

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

BY-LAW #12-020

BEING A BY-LAW TO PRESCRIBE THE FORM, MANNER AND TIMES
FOR THE PROVISION OF NOTICE

WHEREAS Section 270.(1)(4) of the Municipal Act, 2001, as amended, states that a municipality shall adopt and maintain policies with respect to the circumstances in which the municipality shall give notice to the public and, if notice is to be provided, the form, manner and times notice shall be given;

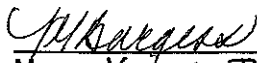
AND WHEREAS it is deemed advisable by the Council of the Corporation of the Township of Lake of Bays to set out the minimum notice requirements for those actions for which the notice requirements are not prescribed under the provisions of the *Municipal Act, 2001, as amended* or its regulations;

NOW THEREFORE be it enacted that the attached revised "Provision of Notice" policy be adopted by the Council of the Corporation of the Township of Lake of Bays:

This by-law and attached policy shall come into force and take effect on February 28, 2012

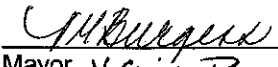
And further, this by-law shall repeal by-law #09-24 in its entirety.

READ a FIRST and SECOND time this 24th day of February, 2012


ACTING Mayor Virginia Burgess


Clerk Michelle Percival

READ a THIRD time and finally passed 24th day of February, 2012


ACTING Mayor Virginia Burgess


Clerk Michelle Percival

TOWNSHIP OF LAKE OF BAYS POLICY MANUAL

Chapter:	<u>Administration</u>	Index No.	AD-3.2
Section:	Notices	Effective Date:	12/04/07
Subject:	<u>Provision of Notice Policy</u>	Revision Date:	28/02/12
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1 PURPOSE:

1.01 To provide a policy that prescribes the form, manner and time that public notice shall be given.

2 POLICY:

2.01 The Township of Lake of Bays has developed the provision of notice policy pursuant to Section 270 (1) (4) of the *Municipal Act, 2001, as amended* and subsequent By-law #12-020

2.02 1. Definitions

In this policy

- (a) "Act" means the *Municipal Act, 2001, as amended*
- (b) "Clerk" means the Clerk of the Township of Lake of Bays
- (c) "Publication" means 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 may be sold to the public and to regular subscribers;
- (d) "Electronic" includes created, recorded, transmitted or stored in digital form or in other intangible form by electronic, magnetic or optical means or by any other means that has capabilities for creation, recording, transmission or storage similar to those means and "electronically" has a corresponding meaning;
- (e) "Municipality" shall mean the Corporation of the Township of Lake of Bays
- (f) "Municipal Act" shall mean the *Municipal Act, 2001.S.O*
- (g) "Advertisement/notice" shall be notice published in a newspaper having regular publications.

2.03 Notice of Intention to Pass a By-Law – Notice of Public Meeting

1. Manner of Notice

Where notice of intention to pass a by-law or notice of a public meeting is required under this by-law, the Clerk shall cause such notice to be published in a printed and/or electronic form.

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2. Time of Notice

(a) Where notice of intention to pass a by-law or notice of a public meeting is required to be given, the Clerk shall cause such notice to be provided in the time frame prescribed in the Act or its regulations, and if not so prescribed, notice shall be given at least twice during the fourteen (14) days prior to the proposed action being taken.

(b) If the proposed by-law is not passed at the council meeting specified in a notice in Section 2 but consideration of the matter is deferred, no further notice is required under Section 2, if a public statement is made at the meeting that the matter has been deferred and the municipality now intends to adopt or amend the by-law at a later council meeting specified in the public statement. This section applies to any further deferrals of the matter.

(c) Disclaimer: The Corporation of the Township of Lake of Bays cannot be held responsible for failure to post notice if the cause for the failure is the result of, but not limited, to power failure, electronic communication failure, Acts of God or during an emergency situation.

3. Form of Notice

Where notice of intention to pass a by-law or notice of a public meeting is to be given, the form of the notice shall include the following information:

(a) A description of the purpose of the meeting, or the purpose and effect of the proposed by-law;

(b) The date, time and location of the meeting;

(c) The name and address of the person who will receive written comments on the issue which is the subject of the meeting and the deadline for receiving such comments

2.04 Financial

1. Adoption of Annual Budget

The notice provisions set out in Section 2.03 shall apply to the adoption of the annual budget in total.

2. Unbudgeted Items

(a) Where expenditure estimates approved in the budget have been subject to quotations or tenders quoting an amount greater than the estimated expenditure for that item, the approval process set out under the township procurement by-law shall apply, and notice of such expenditure 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 "*Unbudgeted Item*", shall constitute sufficient notice.

(b) New projects that have not been included in the annual budget shall be detailed in a staff report and notice of such expenditure 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 "*Unbudgeted Item*", shall constitute sufficient notice.

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3. Operating Costs Incurred Prior to Budget Approval

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.

2.05 General

- (a) Where separate by-laws have been enacted in accordance with provisions contained in the Act, the notice provisions set out in such by-laws shall prevail.
- (b) 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.
- (c) This policy shall not prevent the Clerk using more comprehensive methods of notice or providing for a longer notice period

2.06 Purpose of Notice

Notice shall be given for the purpose of any of the following:

- Council meeting dates
- Office closures
- Employment Opportunities
- Procurement Policy
- Naming of private roads
- Sale or disposition of land
- Temporary/Permanent closure of highways
- Amending or introducing user fees
- Council vacancy declaration
- Any other matter that may arise that Council identified

2.07 Emergency Provision

If a matter arises, which in the opinion of the Senior Municipal Official, in consultation with the Mayor or designate, is considered to be an urgent or time sensitive in nature, or which could affect the health or well-being of the residents of the Township of Lake of Bays, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the notice requirements of this policy may be waived and the Senior Municipal Official shall make his/her best efforts to provide as much notice as is reasonable under the circumstances.

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2.08 Effective Date

This policy shall come into force and take effect under By-law #12-020 on February 28th, 2012

3. ADMINISTRATION

This policy shall be adhered to by all elected officials and employees of the Corporation of the Township of Lake of Bays.

4. ATTACHMENTS

Attachment to By-law #12-020