

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

BY-LAW NUMBER 2019-09

Being a by-law to prescribe the form and manner for the provision of public notice under the *Municipal Act, 2001*.

SHORT TITLE – This By-Law may be cited as the “Public Notice By-Law”.

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

AND WHEREAS it is deemed advisable to pass and enact a by-law with respect to the giving of reasonable notice to the public from time to time under the *Municipal Act, 2001*, S.O. 2001, c. 25;

NOW THEREFORE the Council of the Corporation of the Township of Nipissing hereby enacts as follows:

In addition to this By-Law, notice provisions are governed by the following documents and legislation:

Municipal Act, 2001

Municipal Elections Act

Ontario Planning Act

Notice requirements set out in other statutes detail the timing and type of notice to be circulated and are not included in this By-Law.

Part 1 DEFINITIONS

Definitions in this By-Law:

- 1.1 **Act**
“Act” means the Municipal Act, 2001, as amended from time to time.
- 1.2 **Clerk**
“Clerk” means the person appointed by the Township pursuant to Section 228 of the Municipal Act and other relevant legislation.
- 1.3 **Chief Administrative Officer**
“Chief Administrative Officer” means the person appointed by the Township as Chief Administrative Officer (CAO) pursuant to Section 229 of the Municipal Act.
- 1.4 **Council**
“Council” means the elected Members of the Municipal Council of the Township of Nipissing.
- 1.5 **Day**
“Day” is a period of consecutive hours beginning at 12:01 a.m. and ending at midnight.
- 1.6 **Highway**
“Highway” means a road allowance, street or land under the jurisdiction of the Township.

1.7 Newspaper

"Newspaper" means a printed publication in sheet form, intended for general circulation to all parts of the Township, published at regular intervals of not longer than a week and consisting in great part of news of current events and general interest and is sold to the public and to regular subscribers.

For the purpose of this By-law, the Almaguin News and the North Bay Nugget are deemed to be such newspapers.

1.8 Notice

"Notice" means Notice given to the public generally and includes Notice for the call for Tenders.

1.9 Notice Period

"Notice Period" means a period of time prescribed between the giving of a Public Notice and a subsequent event. Such period shall include both the day the Notice is given and the day on which the subsequent event is to occur.

1.10 Website

"Website" means the official Township of Nipissing Internet website.

**Part 2
APPLICATION**

2.1 Where the Township of Nipissing is required to give notice to the public under the Municipal Act, 2001, or a regulation made thereunder, the notice shall be given in a form and manner and at the times indicated in Schedule "A", hereto attached and forming part of this by-law, unless:

- a. notice is otherwise prescribed by statute or regulation, in which case notice shall be given in accordance with the statute or regulation;
- b. notice is otherwise prescribed in another by-law, in which case notice may be given either in accordance with this by-law or with the other by-law;
- c. Council directs that other notice is to be given as Council considers adequate in the circumstances; or,
- d. the CAO-Clerk determines that an emergency situation exists, in which case he or she may waive the notice prescribed by this by-law.

2.2 Nothing in this by-law shall be construed as requiring the giving of any notice in circumstances where there is no requirement that notice be given under the Municipal Act, 2001 or a regulation made thereunder, or under another statute or regulation.

2.3 The notice requirements under this by-law are minimum requirements and the CAO-Clerk is authorized to give notice to the public in an extended manner if, in the opinion of the CAO-Clerk, the extended manner is reasonable and necessary in the circumstances.

2.4 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.

**PART 3
FORM AND CONTENT OF NOTICE**

- 3.1 The form and content of a public notice shall be as follows, unless otherwise prescribed by the Act or Regulations:
- a. Description – a description of the purpose of the meeting and the purpose and effect of the by-law.
 - b. Date – the date, time and location of the meeting.
 - c. Land Matters – if the Notice involved the subject of land, the location and legal description of the said land shall be included.
 - d. Comments – the name and address of the person who will receive written comments on the subject of the meeting and the deadline for receiving such comments.

**PART 4
PUBLICATION AND POSTING**

- 4.1
- i. Posting – the notice board located directly beside the main entrance to the Township Office located at 45 Beatty Street, Nipissing.
 - ii. Website – the Township of Nipissing website located at www.nipissingtownship.com.
 - iii. Mail – regular postal delivery to those to receive required notice.
 - iv. Publication – the Almaguin News or The Nugget shall be used for this purpose. Only one shall be required unless otherwise specified.

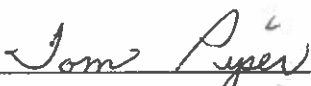
**PART 5
TIME PERIODS**

- 5.1 The time periods set out in Schedule “A” to this by-law shall be counted by excluding the day of the period on which notice is first given and including the day of the period on which the meeting or other event takes place.

This By-law comes into effect on the day it is passed and By-Law Number 2008-1226 is hereby repealed.

READ A FIRST AND SECOND TIME THIS 19TH DAY OF FEBRUARY, 2019.

READ A THIRD TIME AND PASSED THIS 19TH DAY OF FEBRUARY, 2019.



Tom Piper, Mayor



Charles Barton, CAO-Clerk



Schedule "A"

PUBLIC NOTICE REQUIREMENTS		
<i>Municipal Act, 2001</i> Reference/Subject	<i>Summary of Municipal Act,</i> <i>2001 requirement</i>	Type and Frequency of Notice/Timing
Intention to Pass a By-law:		
S. 391 – User Fees and Charges	Changing or setting the fees charged in relation to services or activities provided by the Township.	One public notice: <ul style="list-style-type: none"> Posted at Township Office no less than 7 days prior to meeting. Website posting no less than 7 days prior to the meeting.
S. 238 – Procedure By-Law	Public notice required for intention to pass a Procedure By-Law.	One public notice: <ul style="list-style-type: none"> Posted at Township Office no less than 7 days prior to meeting. Website posting no less than 7 days prior to the meeting.
Notice of Public Meeting		
Special Meeting of Council	Public Notice to advise of a specially scheduled Council meeting, outside of regularly scheduled meetings, for a particular subject.	One public notice: <ul style="list-style-type: none"> Posted at Township Office no less than 7 days prior to meeting. Website posting no less than 7 days prior to the meeting.
Special Meeting per Procedural By-Law, Part 6	Where a special meeting is called and it is not possible to provide the prescribed notice in this by-law. <i>Note:</i> <i>Failure to give notice shall not invalidate the meeting or any decision taken at the meeting.</i>	Reasonable efforts to provide notice shall be made by the CAO-Clerk which may include: <ul style="list-style-type: none"> Telephone notification. Website posting. Posting on notice board. Posting at local stores, landfills, museum, post office, etc. Personal notification, if applicable.
Public Town Hall Meeting	Public Notice to advise of a Town Hall meeting to discuss a subject with the expectation of public involvement in the discussion.	One public notice: <ul style="list-style-type: none"> Posted at Township Office no less than 14 days prior to meeting. Website posting no less than 14 days prior to the meeting.
Notices Regarding Land		
Closing or alteration of a highway: Shore Road Allowances	Public Notice to advise of intention to stop up, close and sell part of a Shore Road Allowance abutting the applicant's property.	One public notice: <ul style="list-style-type: none"> Mailed to every property owner located within 100 metres of the subject property. Publication in a newspaper for 3 consecutive weeks but not considered by Council

		<p>until 5 days after the last notice date.</p> <ul style="list-style-type: none"> • Posted at Township Office no less than 21 days prior to the meeting. • Website posted no less than 21 days prior to the meeting. • Posted in a minimum of four (4) places in the general physical area of the road allowance being closed, at least 21 days prior to the meeting.
Sale of Land (other than public highways)	Where municipal land has been declared surplus and is offered for sale to the public.	<p>One public notice:</p> <ul style="list-style-type: none"> • Posted at Township Office no less than 14 days prior to meeting. • Website posting no less than 14 days prior to the meeting. • Published in the newspaper once prior to the meeting but not less than 5 days before the meeting.
S. 236 and Procedural By-Law Emergencies: Emergency Meeting	Where a matter arises which in the opinion of the Council and CAO-Clerk, is considered to be of an urgent or time sensitive nature likely to adversely affect the health and well-being of a significant number of residents or the financial well-being of the Township or a state of emergency has been declared.	<p>Initial Public Notice:</p> <ul style="list-style-type: none"> • Posted at the Township Office as soon as possible. • Website posting as soon as possible. • Publish in a newspaper as soon as practicable thereafter a notice that the by-law has been passed to deal with the specific event. • Updates for an emergency event shall be updated as required and Posted at the Office and to the Website as soon as available.
S. 290 - Adoption or Amendment of Annual Budget	Public Notice to advise of a meeting to discuss the proposed Annual Budget, the Adoption of the Final Annual Budget or an amendment to the Adopted Final Annual Budget.	<p>One public notice:</p> <ul style="list-style-type: none"> • Posted at Township Office no less than 14 days prior to meeting. • Website posting no less than 14 days prior to the meeting.