

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2008 - 065

A BY-LAW TO OUTLINE THE FORM, MANNER AND TIMING OF THE PROVISION OF NOTICES REQUIRED UNDER THE MUNICIPAL ACT, 2001

Recitals

1. The *Municipal Act, 2001*, as amended, states that a municipality shall adopt and maintain a policy with respect to notices to the public.
2. Section 270 outlines the notice policy shall include the circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.
3. Council considers it advisable to adopt the notice standards by by-law.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2008-065.

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this by-law,

“**accountability**” means the concept or principle that a municipality is responsible to its stakeholders for their actions, inactions, decisions made and policies implemented and may be required to explain them and be answerable for resulting consequences.

“**CAO**” or “**Chief Administrative Officer**” means the person who holds the position of Chief Administrative Officer and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

“**City**”, “**City of Kawartha Lakes**” or “**Kawartha Lakes**” means The Corporation of the City of Kawartha Lakes and its entire geographic area.

“**City Clerk**” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*.

“**city web site**” - means the Official City of Kawartha Lakes web site www.city.kawarthalakes.on.ca

“**Council**” or “**City Council**” means the municipal council for the City.

“**Director of Community Services**” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

“**Director of Development Services**” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

“**Manager of Building and Municipal Law Enforcement/Chief Building Official**” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

“**Municipal Act**” - means the Municipal Act 2001, S.O. 2001, c.25.

“newspaper” - 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 to the public.

“published” – means to print in a newspaper that in the opinion of the Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby.

“transparency” means the concept or principle that the municipality actively encourages and fosters stakeholders participation and openness in its decision making processes. The municipality is open, clear and visible to those we serve. Additionally, transparency means that the municipality’s decision making process is open and clear to the public. Citizens must be able to “see through” a municipality’s inner workings to know exactly what goes on when public officials transact public business.

“Treasurer” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Application

2.01 **Form and Manner Exception:** Where the City is required to give notice to the public under a provision of the Municipal Act, the notice shall be given in a form and manner and at the times indicated, unless:

- a) The *Municipal Act*, another Act or a regulation prescribes otherwise for the notice to the public.
- b) The requirements for notice to the public are prescribed in another by-law;
- c) Council directs that some other form and manner of public notice is to be given that Council considers adequate to give reasonable notice under the provision.

2.02 **Notice of Motion:** This by-law does not apply to notices that are otherwise provided for in the Procedural by-law that is in effect at the time of giving notice, including a notice of motion that deals with the giving of public notice.

Section 3.00: Notice to the Public

- 3.01 **General Principles:** Subject to any specific notice requirements contained in any Act or Regulation and subject to overriding notice provisions set out in Schedule “A” to this by-law, the general principles for giving notice to the public by the City are set out as follows:
- a) a notice posted on the web site is sufficient even if there are times during the posting when the City’s web site is not accessible.
 - b) a notice shall contain the following information:
 - i) a general description of the matter;
 - ii) where the matter relates to a defined location, sufficient particulars of the location such as reference to a municipal address or street intersection, or to a legal description or key map;
 - iii) the date, time and location of the Standing Committee, Council or other meeting at which the matter will be considered;
 - iv) instructions on obtaining additional information, submitting comments or attending the Standing Committee or Council meeting.
 - c) If the matter is deferred at the Standing Committee or Council meeting, no additional notice is required, except where the *Municipal Act* or Council provides otherwise.
 - d) If the same matter referred to in 3.01 c) is considered at a subsequent Standing Committee or Council meeting, no additional notice is required, except where the *Municipal Act*, other legislation, or Council provides otherwise.
 - e) the requirements in 3.01 a) to d) are minimum requirements, and the City Clerk is authorized to give notice to the public in an extended manner, if in the opinion of the CAO, City Clerk or under the direction of Council, the extended manner is considered reasonable and necessary in the circumstances.
 - f) at least once per year, the Communications Officer shall cause a notice to be published in a newspaper setting out information on how to access the City’s website to locate public notices and the related City documents, for example a report or by-law.
 - g) the schedule of meetings as adopted by Council from time to time shall be posted on the City’s web site, and the posted schedule may be revised by the City Clerk to include additional information on the meeting and any other public meetings of the City.
 - h) where separate by-laws have been enacted in accordance with provisions contained in the *Municipal Act*, the notice provisions set out in such by-laws shall prevail.
 - i) nothing in this by-law shall prevent the CAO or City Clerk from using more comprehensive methods of notice or providing for a longer notice period.

Section 4.00: Notice to the Public (Specific Requirements)

- 4.01 Notwithstanding the general notice provisions contained in Section 3.00 of this by-law, notice with respect to those matters set out in Schedule “A” shall be given in accordance with the specific provisions contained therein.

Section 5.00: Closed Session

- 5.01 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 in accordance with Section 239 of the *Municipal Act, 2001*.

Section 6.00: Emergency Provision

- 6.01 If a matter arises, which in the opinion of the Chief Administrative Officer, 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 City of Kawartha Lakes or if a State of Emergency is declared, or is so advised by a Provincial Ministry, the notice requirements of this by-law may be waived and the City Clerk shall make best efforts to provide notice as soon as possible thereafter and the reasons for waiving or varying from the requirements.

Section 7.00: Notwithstanding Provision

- 7.01 Where notice of intention to pass a by-law or notice of a public meeting is required to be given and the time frame for such notice is not already prescribed in the Act or its Regulations or otherwise addressed in this by-law, notice shall be given at least once, no less than 7 days prior to the proposed activity to be undertaken.

Section 8.00: Enforcement and Penalties

- 8.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer.
- 8.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with the provisions of the *Provincial Offences Act* and to any other applicable penalty.

Section 9.00: Administration and Effective Date

- 9.01 **Administration of the By-law:** The City Clerk is responsible for the administration of this by-law.
- 9.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 13th day of May, 2008.

Mayor

Clerk