

# THE CORPORATION OF THE TOWN OF HEARST

## **BY-LAW NO. 85-02**

(consolidated - 2016)

Being a by-law to prescribe the form,  
manner and times for the provision  
of notices required under the  
Municipal Act.

WHEREAS the Municipal Act, 2001, S.O. 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, BE IT ENACTED by the Council of the Corporation of the Town of Hearst as follows:

### **DEFINITIONS**

1. In this by-law

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

“**Clerk**” means the Clerk of the Corporation of the Town of Hearst;

“**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 and sold to the public;

“**published**” means published in a daily or weekly newspaper that, in the opinion of the Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and “publication” has a corresponding meaning;

“**radio**” means a local or regional radio station that, in the opinion of the Clerk, has such transmission range as to provide reasonable notice to those affected thereby;

“**web site**” means the web site of the Corporation of the Town of Hearst

### **NOTICE OF INTENTION TO PASS BY-LAW – NOTICE OF PUBLIC MEETING**

#### **Manner and Time of Notice**

2. 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 given in accordance with the provisions set out in Schedule A appended herewith and entitled “Public Notice Provisions” and if such notice is not addressed in this by-law and is not already prescribed in the Act or its Regulations, notice shall be given at least once, not less than five days or more than thirty days prior to the proposed notice of intention to pass a by-law or notice of a public meeting being taken.

3. 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 that 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.

#### **Forms of Notice**

4. 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) The authority under which the notice is being given;
  - b) A description of the purpose of the meeting, or the purpose and effect of the proposed by-law;
  - c) The date, time and location of the meeting;
  - d) Where the purpose of the meeting or proposed by-law is related to specific lands within the Town, a key map showing the affected lands;
  - e) The name and address of the person who will receive written comments on the issue that is the subject of the meeting and the deadline for receiving such comments.

#### **GENERAL**

8. 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.
9. No notice shall be required under this by-law, where the provisions 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 or time sensitive nature, or which could affect the health or well-being of the residents of the Town of Hearst, or if a State of Emergency is declared, or if expediency is advised by a Provincial Ministry, the Clerk shall 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.

#### **EFFECTIVE DATE**

12. This by-law shall come into full force and effect on the date of its passing .

READ AND PASSED IN OPEN COUNCIL  
THIS 12<sup>th</sup> DAY OF JANUARY, 2016.

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(signed)  
MAYOR

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(signed)  
CLERK