

**NO. 2020 -**

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**BEING A BY-LAW TO AMEND BY-LAW NO. 2008 - 126 BEING A BY-LAW TO  
ESTABLISH NOTICE PROVISIONS FOR THE MUNIICIPALITY OF  
KINCARDINE**

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**WHEREAS** Section 270 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, requires a municipality to adopt and maintain a policy with respect to 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;

**AND WHEREAS** sections of said Municipal Act and other applicable legislation require a municipality to give notice to the public generally of its intention to pass certain by-laws, notice of the holding of certain required public meetings and notice of other matters;

**AND WHEREAS** Section 8 (1) of the said Municipal Act provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Council passed By-law No. 2008 - 126 on July 9, 2008 to establish notice provisions for the Municipality;

**AND WHEREAS** Council deems it appropriate to amend said by-law;

**NOW THEREFORE** the Council of The Corporation of the Municipality of Kincardine hereby enacts as follows:

**DEFINITIONS**

- a) "Chief Administrative Officer" means the Chief Administrative Officer of The Corporation of the Municipality of Kincardine;
- b) "Clerk" means the Municipal Clerk of The Corporation of the Municipality of Kincardine;.
- c) "Council" means the Council of The Corporation of the Municipality of Kincardine";
- d) "Municipality" means The Corporation of the Municipality of Kincardine;
- e) "Newspaper" means a printed publication in sheet form, published at regular intervals of a week or less and circulated to the general public, and consists primarily of news of current events of general interest;
- f) "Website" means the Municipality of Kincardine official website.

APPLICATION

1. Notice to the public shall be provided in the circumstances and in the form, manner, and times as follows:
- a) Notice of matters to be considered by Council, in the Committee of the Whole portion of the meeting, excluding those circumstances set out in 1 c) to 1 f) below, shall:
    - i) be posted on the Municipality’s website at least ten (10) days prior to the scheduled meeting at which the subject matter will be considered; and
    - ~~ii) be published once in a newspaper of general circulation in the Municipality at least seven (7) days in advance of the meeting at which the matter will be considered; and~~
    - iii) provide a list of agenda items; the date, time and location of the meeting; key map showing affected lands (if applicable); contact information of how and where comments may be made and the deadline for receiving such comments.
  - b) In addition to requirements set out in a), for the following matters under the Municipal Act, notice of public meeting and notice of intent to pass by-law shall be provided by publishing in a newspaper and on the Municipality’s website at least ten days before the meeting where the matter will be considered:

<u>Matter</u>	<u>Summary of Notice</u>
Change of name of municipality s. 187	Notice of public meeting and notice of intent to pass a by-law to change the name of the municipality
Change composition of council s. 217	Notice of public meeting and notice of intent to pass a by-law to change composition of council
Establishment/ dissolution of wards s. 222	Notice of public meeting and notice of intent to pass a by-law to divide or redive the municipality into wards or to dissolve the existing wards

- The notice shall include the following information:
- i) a description of the purpose of the public meeting;
  - ii) the date, time and location of the public meeting;
  - iii) where the purpose of the public meeting is related to specific lands, a key map showing the affected lands; and
  - iv) the name and address of the person who will receive written comments on the subject issue and the deadline for receiving such comments.
- c) If required by any Act or Regulation, in the form, manner and times as prescribed in the Act or Regulation;
  - d) If required by another by-law, in the form, manner and times as set out in the said by-law;
  - e) If directed by Council, in the form, manner and times as specified by Council; or

Page 3 of 4  
Municipal Notice By-law  
By-law No. 2020 -

- f) In the circumstances where, in the opinion of the Clerk, notice is reasonable and necessary, in the form, manner and times as determined by the Clerk.
2. No additional notice shall be required for subsequent meetings where a matter has been deferred or referred to a subsequent meeting by the Council, the Committee of the Whole, or a Committee of Council.
  3. The notice requirements under this Policy are minimum requirements and the Clerk may give notice to the public in an extended manner, if, in the opinion of the Clerk, the extended manner is reasonable and necessary in the circumstances.
  4. Notice requirements, established under the provisions of section 1 (a) of this by-law may be reduced, where deemed expedient by Council, on a case by case basis, by a resolution of Council.
  5. A public notice given under the provisions of section 1 (a) i) of this by-law, posting on the Municipality's website, shall be sufficient even if the Municipality of Kincardine website is not accessible at all times during the public notice posting period.
  6. ~~In the event of unforeseen circumstances where public notice under the provisions of section 1 (a) ii) of this by law, publication in a newspaper, is not available, then public notice under the provisions of section 1 (a) i), posting on the Municipality's website, shall suffice.~~

Notice of special meetings, where time permits, shall be published in local newspaper and posted on the municipal website prior to the meeting.

The notice shall include the following information:

- i) a description of the purpose of the meeting;
  - ii) the date, time and location of the meeting;
  - iii) where the purpose of the meeting is related to specific lands, a key map showing the affected lands; and
  - iv) the name and address of the person who will receive written comments on the subject issue and the deadline for receiving such comments
7. No notice shall be required under this by-law where provision of notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a closed meeting.
  8. If a matter arises prior to the finalisation of the meeting agenda which, in the opinion of the Chief Administrative Officer or Clerk, is considered to be of an urgent or time sensitive nature, the notice requirements of this by-law may be waived and the Clerk may add such item to the agenda and shall make every effort to provide as much notice as is reasonable.
  9. If a matter arises, which in the opinion of the Chief Administrative Officer, in consultation with the Mayor, that could affect the health or well-being of the residents of the Municipality, or if a State of Emergency is declared, or if so advised by a provincial ministry, the notice requirements of this by-law may be waived and the Clerk shall make every effort to provide as much notice as is reasonable.

#### GENERAL

1. That By-law No. ~~2003-102~~ 2008 - 126 is hereby repealed.
2. This by-law shall come into full force and effect upon its final passage.
3. This by-law may be cited as the "Municipal Notice By-law ~~2008~~ 2020".

**READ** a **FIRST** and **SECOND TIME** this     day of     , 2020.

**READ** a **THIRD TIME** and **FINALLY PASSED** this     day of     , 2020.

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Mayor

\_\_\_\_\_  
Clerk