



THE CORPORATION OF THE TOWN OF KAPUSKASING

**PRESCRIBED FORM AND MANNER AND
TIMES FOR PROVISION OF NOTICE**

OFFICE CONSOLIDATION

By-Law No. 2701, as amended by By-Law No. 2878.

THE CORPORATION OF THE TOWN OF KAPUSKASING

BY-LAW NO. 2701

Being a by-law to prescribe the form and manner and times for the provision of notice.

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 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 THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF KAPUSKASING ENACTS AS FOLLOWS:

- I.** Schedule "A", as attached, forms part of this By-Law and is hereby adopted.
- II.** This By-Law shall come into force and take effect on January 2, 2003.

READ A FIRST AND SECOND TIME THIS 9TH DAY OF DECEMBER, 2002.

READ A THIRD TIME AND PASSED THIS 9TH DAY OF DECEMBER, 2002.

Mayor J. C. Caron
MAYOR

Barbara Major
CLERK

SCHEDULE "A"

DEFINITIONS

1. (a) "Act" means the Municipal Act, 2001, S.O. 2001, c. 25;
- (b) "Clerk" means the Clerk of the Corporation of the Town of Kapuskasing;
- (c) "Newspaper" means a printed publication in sheet form, intended for general circulation, published regularly at intervals not longer than a week, consisting in part of news of current events of general interest and sold and/or distributed to the public and to regular subscribers and additionally means a municipal newsletter incorporated as part of the Newspaper publication.
- (d) "Published" means published in a weekly newspaper(s) that has such circulation within the municipality as to provide reasonable notice to those affected thereby, and as per the advertising policy of the municipality and "publication" has a corresponding meaning.
- (e) "Website" means the Corporation of the Town of Kapuskasing website.
- (f) "Municipal Newsletter" means the Corporation of the Town of Kapuskasing newsletter which will be published approximately once per month, either by means of independent printer or is published in a weekly newspaper(s) that has such circulation within the municipality so as to provide reasonable notice to those affected thereby, and as per the advertising policy of the municipality.

NOTICE OF INTENTION TO PASS BY-LAW/NOTICE OF PUBLIC MEETING

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 published in a newspaper.

TIME OF NOTICE

3. Where notice of intention to pass a by-law or notice of a public meeting is required to be given, such notice shall be provided in the time frame prescribed in the Act or its regulations, and if not so prescribed, 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 be taken.

4. 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.

FORM OF NOTICE

5. 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:
 - (1) A description of the purpose of the meeting, or the purpose and effect of the proposed by-law;
 - (2) The date, time and location of the meeting;
 - (3) Where the purpose of the meeting or proposed by-law is related to specific lands within the Municipality, a key map showing the affected lands;
 - (4) 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.

FINANCIAL

Adoption of Annual Budget

6. The notice provisions set out in Sections, 2, 3 and 4 shall apply to the adoption of the annual budget in total.

Amendments to Budget

7. 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 Municipal Purchasing Policy shall apply, and notice of such amendments 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 "*Amendment to Budget*", shall constitute sufficient notice.
8. New projects that have not been included in the annual budget shall be detailed in a staff report and notice of such amendment 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 “*Amendment to Budget*”, shall constitute sufficient notice.

Operating Costs Incurred Prior to Budget Approval

9. 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.

Improvements to Service

10. Unless otherwise designated by regulation, notice of improvements in the efficiency and effectiveness of the delivery of services by the Municipality and its local boards; and barriers identified by the Municipality and its local boards to achieving improvements in the efficiency and effectiveness of the delivery of services by them, shall be published in the newspaper at the same time as prescribed in the Act for the publication of the Financial Statements of the Municipality.

GENERAL

11. 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.
12. 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.
13. 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

14. 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 Municipality of Kapuskasing, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the Clerk shall make her/his best efforts to provide notice of the action as soon as possible following the action and will present a report to Council for ratification.

EFFECTIVE DATE

15. This by-law shall come into force and effect on January 2, 2003.