

THE CORPORATION OF THE TOWNSHIP OF PELEE

By-Law No. 2009-9

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

WHEREAS the Municipal Act, S.O. 2001, c. 25, s. 251 provides 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 the Council of the Corporation of the Township of Pelee hereby enacts as follows:

DEFINITIONS:

1. In this by-law

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

“Administration Office” means the Pelee Township Municipal Office located at 1045 West Shore Road, Pelee Island, Ontario, N0R 1M0;

“Agenda” means the agenda prepared for each meeting of Council, detailing the matters to be discussed;

“Clerk” means the Clerk of the Township of Pelee;

“Minutes” means the records of each council meeting as prepared by the Clerk;

“Notice” means a written, printed, published, or posted notification or announcement;

“Publication” means a daily, weekly or biweekly newsletter that, in the opinion of the Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby;

“Web site” means the municipality’s web site, when established, identified as www.pelee.org;

AGENDA

DATE: Apr 6/09

NO.: 7c

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

Manner 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 included in one or more of the following: the Agenda (posted in the Administration Office), the Minutes (posted in the Administration Office and on the Municipality's web site), a publication or on the Municipality's web site.

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 being 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 or other description 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 the Annual Budget

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

Amendments to the 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, notice of such an amendment to the budget shall be included in a staff report to council and should be marked with a notation of "Amendment to Budget" and this shall constitute sufficient notice.
8. New projects that have not been included in the annual budget shall be detailed in a staff report to Council and notice of such an amendment to the budget shall be included in the report and the printing of this item on the Council 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 boards; and barriers identified by the Municipality and its boards to achieving improvements in the efficiency and effectiveness of the delivery of services by them, shall be posted on the Municipality's web site and in the Administration Office at the time 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 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.
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

14. If a matter arises, which in the opinion of the Clerk, in consultation with the Mayor, is considered to be of an urgent and time sensitive nature, or which could affect the health and well being of the residents of the Corporation of the Township of Pelee, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the Clerk shall make his/her best efforts to 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.

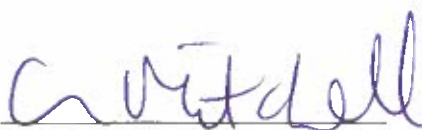
EFFECTIVE DATE

15. This by-law shall come into force and effect on April 6, 2009

Read three times and passed in open Council this 6th day of April 2009.



Mayor



Clerk/Treasurer