

# THE CORPORATION OF THE TOWNSHIP OF PERRY

## BY-LAW No. 2020-69

Being a By-Law to prescribe the form and manner for the provision of public notice under the *Municipal Act*, 2001

**WHEREAS** Section 270(1)4. of the *Municipal Act*, 2001, c. 25, provides that a municipality shall adopt and maintain a policy regarding 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** it is deemed advisable and necessary to establish and adopt a Provision of Notice policy thereby establishing that the Council of the Township of Perry complies with the legislative requirements for giving reasonable notice to the public to ensure that it is accountable:


**NOW THEREFORE** the Council of the Corporation of the Township of Perry hereby enacts as follows:

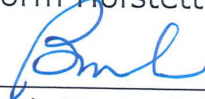
1. In this By-law:
  - a. "**Clerk-Administrator**" means the Clerk of the Township of Perry or his/her designate.
  - b. "**Municipal Act**" shall mean the *Municipal Act*, 2001, S.O., c.25.
  - c. "**Municipality**" shall mean The Corporation of the Township of Perry.
  - d. "**Newspaper**" shall mean a printed publication in sheet form, intended for general circulation, within the local distribution area published regularly at intervals of not longer than a week, consisting in great part of news of current events of general interest which is sold or distributed free of charge to the public.
  - e. "**Notice to the Public**" shall mean notice given to the public generally, but does not include notice given only to specified persons.
  - f. "**Personal Notice**" shall mean notice given to a specified person or persons by personal service, and shall be deemed to be completed on the day that the serving of all required notices is completed.
  - g. "**Public Notices**" shall mean the 'Public Notices' tab on the Township's website where notices are posted.
  - h. "**Township of Perry website**" shall mean the official Township of Perry Internet website.
2. Public notice shall be given for specified subject matters in the form and manner and at the times as shown on Schedule "A" attached, which forms part of this by-law.
3. A public notice given utilizing the Municipal website, shall be sufficient even if the Township of Perry website is not accessible at all times during the public notice posting period.
4. Notwithstanding, the provisions of this by-law to the contrary, Section 2 shall not be applicable where:

- a. the *Municipal Act*, or another Act or regulation prescribe specific notice requirements, or
  - b. the Township of Perry Council directs that public notice be given in the manner different from the public notice provisions of Section 2.
5. A public notice given under the provisions of this by-law shall contain the following information:
- a. A general description of the proposed by-law or matter;
  - b. Where the matter relates to a defined location, sufficient particulars of the location such as a municipal address or legal description;
  - c. The date, time and location of the meeting at which the matter will be considered; and
  - d. Instructions for obtaining additional information.
6. If a matter is deferred at a Council meeting or if a matter is considered at a subsequent Council meeting, no additional notice to the public shall be required, except where the *Municipal Act* provides otherwise, or if the Township of Perry Council directs that additional public notice be given.
7. Where the giving of notice to the public is not required by legislation, Council may waive the notice requirements set out in the policy by passage of a resolution at a Council meeting.
8. No notice shall be required under this policy 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 *Municipal Act*, S.O. 2001, c. 25.
9. Where applicable notice is required to be set out by registered mail/prepaid mail, the notice will be sent to the address which appears on the most recent assessment role.
10. The Clerk-Administrator or designate is authorized to provide additional public notice if reasonable and necessary in the circumstances.
11. The public notice requirements of this by-law may be waived by the Mayor in consultation with the Clerk-Administrator where a matter is considered to be of an urgent or time sensitive nature, or could affect the health, safety and well-being of the residents of the Township of Perry. Best efforts shall be made to provide as much notice as is reasonable under the circumstances.

12. That By-law 2003-01 and 2008-04 be repealed.
13. That this By-law shall come into force and effect the day it was passed.

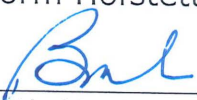
Read a first and second time this 7<sup>th</sup> day of October, 2020.

  
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Norm Hofstetter, *Mayor*

  
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Beth Morton, *Clerk-Administrator*

Read a third and final time and enacted in open Council this 7<sup>th</sup> day of October, 2020.

  
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Norm Hofstetter, *Mayor*

  
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Beth Morton, *Clerk-Administrator*

**Schedule 'A' to By-law 2020-69**

**Policy Notice Classifications Established**

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- Class #1** Advertisement to be published once in a newspaper, which is sold to the public or distributed free of charge within 14 days before the meeting.  
Notice to be posted on the Township of Perry's website at [www.townshipofperry.ca](http://www.townshipofperry.ca) under the Public Notices tab and/or other electronic media.
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- Class #2** Notice to be posted on the Township of Perry's website at [www.townshipofperry.ca](http://www.townshipofperry.ca) under the Public Notices tab and/or other electronic media.
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- Class #3** Notice to be posted on the Township of Perry's website at [www.townshipofperry.ca](http://www.townshipofperry.ca) under the Public Notices tab and/or other electronic media within 14 days before the meeting.

<b>Municipal Act Part/Section</b>	<b>Subject Matter</b>	<b>Basic Requirement</b>	<b>Notice Class</b>	<b>Responsibility</b>
<b>Specific Municipal Powers – Part III</b>				
48	Naming of Private Roads	A local municipality may name or change the name of a private road after giving notice of intent to pass by-law. Municipality <b>shall</b> give public notice of intent to pass by-law. <b>(Statutory Requirement)</b>	1	Clerk or designate
34	Road Closings	To be posted on the Township of Perry's website – Public Notices <b>(No Statutory Requirement)</b>	3	Clerk

Municipal Act Part/Section	Subject Matter	Basic Requirement	Notice Class	Responsibility
<b>Procedure By-law – Part VI – Practices and Procedures</b>				
238 (2.1)	Notice of Meetings	The Procedure by-law <b>shall</b> provide for public notice of meetings, which are outlined on the Township of Perry online Events Calendar, annual Municipal Calendar, Township of Perry website under the Agenda tab and Procedural By-law posted under Council – By-laws.  <b>(Statutory Requirement)</b>	2	Clerk
<b>Sale / Disposition of Land – Part VI – Practices and Procedures</b>				
270(1)	Sale / Disposition of Land	To be posted on the Township of Perry’s website – Public Notices  <b>(No Statutory Requirement)</b>	3	Clerk
<b>Yearly Budget – Part VII – Financial Administration</b>				
295(1)(2)	Publication of Financial Statements	Within 60 days after receiving the audited financial statements for the previous year, the treasurer of the municipality shall publish in a newspaper a notice that the financial statements will be made available at no cost to any taxpayer or resident of the municipality upon request.  The Financial Statements shall be posted on the Township of Perry’s website – Finance Department  <b>(Statutory Requirement)</b>	1	Treasurer/Tax Collector