

THE MUNICIPALITY OF SOUTHWEST MIDDLESEX

BY-LAW NO. 5/2003

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 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 Municipality of Southwest Middlesex ENACTS AS FOLLOWS:

Definitions

1. In this By-law:

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

“**Administrator/Clerk**” means the Administrator/Clerk of the Municipality of Southwest Middlesex:

“**Newspaper**” means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than one week, consisting in great part of news of current events of general interest and sold to the public and to regular subscribers:

“**Newsletter**” means the newsletter inserted into the tax bills mailed to the ratepayers of the municipality on a semi-annual basis:

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

“**Web Page**” means the web page of the Municipality of Southwest Middlesex which address is www.southwestmiddlesex.ca

NOTICE OF INTENTION TO PASS BYLAW - 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 Administrator/Clerk shall cause such notice to be published in a newspaper, inserted in the web page and if time allows, in the newsletter.

Time of Notice

3. Where notice of intention to pass a bylaw 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 (5) days or more than thirty (30) days prior to the proposed notice of intention to pass a bylaw or notice of a public meeting being given.
4. If the proposed bylaw is not passed at the Council meeting specified in the notice in Section 2, but consideration of the matter is deferred, no further notice is required under Section 2.

Form of Notice

5. Unless otherwise prescribed in the Act or its regulations, where notice of intention to pass a bylaw or notice of a public meeting is required to be given, the form of the notice shall include the following information:
 - i) A description of the purpose of the meeting or the purpose and effect of the proposed bylaw;
 - ii) The date, time and location of the meeting;
 - iii) Where the purpose of the meeting or proposed bylaw is related to specific lands within the Municipality of Southwest Middlesex, a key map showing the affected lands;
 - iv) 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 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, the approval process set out under the Municipality's purchasing policy shall apply, and notice of such 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.
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 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.

Improvement to Service

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

GENERAL

11. Where separate bylaws have been enacted in accordance with provisions contained in the Act, the notice provisions set out in such bylaws shall prevail.
12. No notice shall be required under this bylaw, 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 bylaw shall prevent the Administrator\Clerk from use of more comprehensive methods of notice or provided for a longer notice period.

EMERGENCY PROVISION

14. If a matter arises, which in the opinion of the Administrator\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 Municipality, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the Administrator\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 bylaw shall come into full force and effect on February 12th 2003.

Read a first and second time this 12th day of February 2003.

Mayor

Clerk

Read a third time and finally adopted this 12th day of February 2003.

Mayor

Clerk