

THE CORPORATION OF THE TOWN OF KEARNEY

BY-LAW NO. 2024-07

**Being a By-law to Establish Circumstances in Which the Municipality Shall
Provide Notice to the Public**

WHEREAS Section 270(1) of the *Municipal Act, 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 such notice shall be given;

NOW THEREFORE the Council of the Corporation of the Town of Kearney enacts as follows:

1. Short Title

This By-law may be cited as the "Notice By-law".

2. Definitions In this By-law:

- 2.1. **"Clerk"** shall mean the person within the Town of Kearney administration who fulfills the function of the Municipal Clerk as required by the *Municipal Act, 2001*, or his or her designate;
- 2.2. **"Council"** shall mean the Council of the Corporation of the Town of Kearney;
- 2.3. **"Municipality"** shall mean the Corporation of the Town of Kearney;
- 2.4. **"Notice to the Public"** or **"Public Notice"** shall mean notice given to the public generally, but does not include notice given to specified persons;
- 2.5. **"Meeting"** shall mean a meeting of the Council of the Corporation of the Town of Kearney which is open to the Public;
- 2.6. **"Town Web Site"** shall mean the official Town of Kearney internet website.

3. Application

- 3.1. Where the Municipality is required to give notice under a provision of any act or regulation, the notice shall be given in a form and manner and at the time indicated in this by-law, unless:
 - a) The applicable act or regulation prescribes or permits otherwise;
 - b) The requirements for notice are prescribed in another by-law or resolution of the Municipality; or
 - c) Council directs by resolution a method by which notice is to be given that Council considers adequate to give reasonable notice under the provision.
- 3.2. Where there is a conflict between this by-law and the provision of an act or regulation or of another by-law, the act or regulation or the other by-law shall apply.
- 3.3. Where a notice does not strictly comply with the provisions hereof but would substantially inform a reasonable person of the subject matter to which the notice relates, the notice shall be deemed to be adequate and in compliance with this by-law.
- 3.4. Where a notice is required under any act but is not provided for specifically in this by-law, a notice which would substantially inform a reasonable person of the subject matter to which the notice relates, shall be deemed to be adequate and in compliance with this by-law.

4. Content of Notices

- 4.1.** Unless otherwise prescribed in an act or regulation, a Notice to the Public shall contain the following information when applicable:
- a) A general description of the subject matter under consideration or otherwise involved;
 - b) Purpose of any Meeting of which notice is required to be given or the purpose and effect of the proposed action;
 - c) Identification of the authority under which notice is being given;
 - d) Date, time and location of any Meeting at which the subject matter will be considered of which notice is required to be given;
 - e) Where the matter relates to a defined location, sufficient particulars of the location to identify it generally, such as reference to a Municipal address or road intersection, or a legal description or plan, and may include a key map showing the affected lands;
 - f) General provision guiding the submission of information by delegation to any Meeting referred to in the notice;
 - g) Instruction on obtaining any additional information which may be made available by the Municipality, including name, address, phone number and fax number of any office providing notice;
 - h) Details on required actions and time frames; and
 - i) Be clearly identified as a notice given by the Town of Kearney.

5. Additional Notice

- 5.1.** If the matter is deferred at the Meeting of which notice has been given, no additional notice is required, except where an act or by-law provides otherwise or the Council directs otherwise.
- 5.2.** If the matter is considered at a subsequent Meeting, no additional notice is required, except where an act or by-law provides otherwise or the council provides otherwise.

6. Method of Notice

Notice shall be given in the following manner no less than seven (7) days prior to the consideration or occurrence of the subject matter:

- 6.1.** Posting at the Town Office; and
- 6.2.** Posting on the Town Web Site.

7. Purpose of Notice

In addition to any notice required to be given by an act, regulation and/or other by-law, notice in accordance with the provisions of this by-law shall be given for the purposes of any of the following:

- a) Road Closings
- b) Sale of Land
- c) Adoption of Budget and Budget Amendments
- d) Any other matter that may arise that Council identifies as warranting public notice

8. Emergency Provisions

- 8.1.** In the event of a circumstance, which in the opinion of the Clerk/Administrator, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, and which may affect the health, safety or physical security of residents in the Town of Kearney, or if a State of Emergency is declared, the requirements of the by-law may be suspended by the Mayor and best efforts shall be made by the Clerk/Administrator to provide as much notice as is reasonable under the circumstances.
- 8.2.** If a By-law is passed in the case of an emergency without complying with the provisions of this By-law, Council shall, as soon as is practical after its passage, give the required notice

and hold a Meeting and may, after that Meeting, amend or repeal the By-law without the requirement of a further Meeting.

9. Repeal of Previous By-law

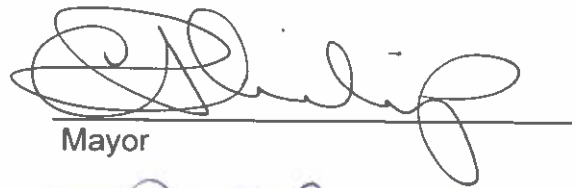
9.1. That By-law 2007-61 is hereby repealed.

10. Effective Date

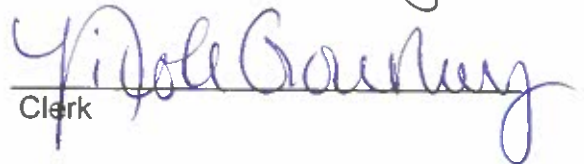
10.1. That this By-law shall come into force and effect on the date of passing hereof.

READ A FIRST, SECOND, AND THIRD TIME, passed, signed and the Corporate Seal attached hereto, this 15th day of February, 2024

**THE CORPORATION OF THE
TOWN OF KEARNEY**

A handwritten signature in black ink, appearing to read "D. D. D.", written over a horizontal line.

Mayor

A handwritten signature in blue ink, appearing to read "Y. J. G.", written over a horizontal line.

Clerk