

**THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA**

**BY-LAW NUMBER 39-2020**

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Being a By-Law to Adopt and Maintain Policies Respecting  
Notice to the Public

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WHEREAS Section 270 (1) (4) of the Municipal Act, 2001, S. O. 2001, Chapter 25 as amended provides that a municipality shall adopt and maintain policies 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 notice shall be given.

NOW THEREFORE, the Council of The Corporation of the Township of Greater Madawaska ENACTS AS FOLLOWS:

1. **DEFINITIONS**

In this By-Law the following terms shall have the meaning assigned to them:

1. "Act" means the Municipal Act, 2001, as amended;
2. "CAO" means the CAO Clerk/Treasurer of The Corporation of the Township of Greater Madawaska;
3. "Council" means the Council of The Corporation of the Township of Greater Madawaska;
4. "Municipality" means the "The Corporation of the Township of Greater Madawaska";
5. "Newspaper" means a printed publication in sheet form, intended for general circulation in the municipality, published regularly at intervals of not longer than a week, consisting in great part of news on current events of general interest and sold or distributed free of charge to the public and to regular subscribers, and includes the "on-line" version as posted on the Internet;
6. "Notice" means a written, printed, published, posted, or announced notification;
7. "Publish" means published in a daily or weekly newspaper that, in the opinion of the CAO, has such circulation within the Municipality as to provide reasonable notice to those affected thereby, and includes posting on the Municipal website. "Publishing, published and publication" have a corresponding meanings;
8. "Registered Mail" means prepaid mail that requires the recipient to sign for it and is delivered by Canada Post or a courier service;
9. "Responsible Department Manager" means the Head of the Department responsible for giving the required notice for an activity as set out in the attached Schedules.
10. "Local Radio Station" means a radio station which can be locally received using AM or FM frequencies.

2. **NOTICE REQUIREMENTS**

- a) Where notice of a matter, notice of intention to pass a by-law or notice of a public meeting is required to be given, the “Responsible Department Manager” shall cause such notice to be provided in the time frame prescribed in the Act or its regulations, and if not so prescribed, notice shall be given in the type and manner of giving reasonable notice as set out herein, as follows:

Notice Type #1

Notice shall be sent by registered mail to the last known address or hand-delivered. (This area of notice refers to the personal notice to an individual or a limited number of people, agencies or organizations of a very select group.)

Notice Type #2

Notice shall be published in a newspaper once a week for three consecutive weeks, with the final notice being published no later than the day of the Public Meeting and/or published on the Township’s website and social media outlets.

Notice Type #3

Notice shall either be: (1) published in a newspaper at least once a minimum of one week prior to the passing of the by-law; or (2) declared at an open meeting of Council that the subject will be placed on the agenda of the next regularly-scheduled meeting of Council, such declaration shall be recorded in the Minutes of the meeting at which it was made; or (3) published on the Township’s website and social media outlets.

Notice Type #4

Written notice of the passing of the By-Law shall be given to parties having a direct interest in the matter (i.e. school boards, assessment office, etc.).

Notice Type #5

For the purposes of a Capital Project requiring the Municipal Class Environmental Assessment (MCEA) process, regardless of the Schedule required by the MCEA process, the following stakeholder categories are identified as follows:

1. General Public: Stakeholders within the municipality who are not members of a specific organization or group, and whose property is not directly impacted by the project in question.
2. Property Owners Adjacent to the Project Area: Stakeholders within the municipality whose property directly abuts the project area.
3. Ontario Ministry of the Environment, Conservation, and Parks (MECP) Regional Office Environmental Assessment (EA) Coordinator: The EA Coordinator in a specific region overseen by the MECP. For the Township of Greater Madawaska, the relevant MECP Regional Office is the MECP Eastern Regional Office located in Kingston, Ontario.
4. Other Review Agencies: Stakeholder agencies to be contacted (as appropriate to the scope of the project), in general conformance with the MCEA Manual (as amended). Other Review Agencies may include Provincial Ministries, Federal Departments, Conservation Authorities, Public Utilities, Trusts, Corporations, Agencies, Upper and Lower Tier Municipalities, Emergency Services, School Boards, Public Transit, and similar stakeholders.

5. First Nations and Metis Communities.
6. Other parties as deemed necessary by “Responsible Department Managers”.

At the discretion of the Township and its Consultants, appropriate and reasonable methods of notification and communication with stakeholders should be reviewed at the outset of the Project, as not all communication methods may be reasonably applied to all stakeholders. Amendments to notification and/or consultation with stakeholders will be reviewed as necessary as the project proceeds and as may be required.

- b) Schedule A forming part of this By-Law is hereby adopted as reasonable minimum procedures for the giving of notice as required under the Act.
- c) The form, manner and timing for the giving of notice as set out in Schedule A shall be deemed to be the minimum standards required and nothing in the By-Law shall prevent Council, the CAO or the Responsible Department Manager from using more comprehensive methods of notice or providing for a longer notice period.
- d) If the proposed By-Law that is the subject of notice is not passed at the Council Meeting specified in a notice but consideration of the matter is deferred, no further notice is required if a public statement is made at the meeting that the matter has been deferred and that the Council intends to deal with the matter at a specified later Council meeting. Such statement shall be recorded in the Minutes of the meeting at which it was made. This section applies to any further deferrals of the matter.

### 3. **CONTENT OF NOTICE**

At a minimum, unless otherwise prescribed in legislation, where notice of a matter, notice of intention to pass a By-Law or notice of a public meeting is required to be given, the notice shall include the following information:

- a) Identification of the legislated authority under which the notice is being given;
- b) A description of the purpose for the meeting or the purpose and effect of the proposed By-Law;
- c) The date, time, and location of the meeting at which the matter will be considered;
- d) A description of how and where comments and/or objections may be made;
- e) The name, address, and other contact information of the person who will receive written comments on the issue that is the subject of the meeting or By-Law and the deadline for receiving such comments;
- f) Where the purpose of the meeting or proposed By-Law is related to specific lands, a key map or other description of the affected lands.

### 4. **GENERAL**

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.

5. EMERGENCY PROVISION

If a matter arises, which, in the opinion of the Chief Administrative Officer, in consultation with the Mayor or Acting 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 Township of Greater Madawaska or of neighboring municipalities, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the notice requirements of this By-Law may be waived and Council shall 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, in the type and manner as directed by Council.

6. ALTERNATE METHOD BY COUNCIL RESOLUTION

Notwithstanding the notice requirements set out in this By-Law, Council may reduce or amend such requirements upon passage of a motion at a duly called meeting of Council, provided the motion dictates an alternate method of giving notice deemed to be in a form and manner and timing adequate to the circumstances.

7. NOTWITHSTANDING PROVISION

Where notice of intention to pass a By-Law or notice of a public meeting is required to be given and the timeframe for such notice is not prescribed in the Act or its Regulations or otherwise addressed in this By-Law, notice shall be given at least once by publication in a newspaper no less than five days or more than 30 days prior to the proposed passing of the By-Law or holding of the public meeting.

8. AMENDMENT OF SCHEDULE A

On an ongoing basis, additional notice requirements may be determined, Schedule A shall be amended and updated, if required, on an ongoing basis, but no less than annually, at the time of review. Delay in amending Schedule A does not preclude the implementation of notice requirements as determined by Council or staff. Schedule A can be amended by Resolution of Council.

9. REPEAL

This By-Law replaces any Notice By-Law previously passed by the Council of the Corporation of the Township of Greater Madawaska and its predecessor municipalities.

10. EFFECTIVE DATE

That By-law No. 39-2014 is hereby repealed.

This By-Law shall come into force and take effect on June 5, 2020.

**READ** a first and second time this 5<sup>th</sup> day of June, 2020.

**READ** a third time and passed this 5<sup>th</sup> day of June, 2020.

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Brian Hunt, Mayor

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Allison Holtzhauer, CAO/Clerk Treasurer

## SCHEDULE A TO BY-LAW 39-2020

(Also refer to Notes at end of Schedule Table)

Column 1 Section, Subject Matter Municipal Act, 2001	Column 2 Notice Requirement
Section 34(1) – Permanent Closure of a Highway	Notice type # 2
Section 34(2) – Permanent altering of a highway	To be determined as required
Section 99 – Advertising Devices (including signs)	Notice Type # 3 and public meeting at discretion of Council
Section 110 (5) – Municipal Capital Facilities – Agreement By-Law	Legislation will be followed Notice Type # 4
Section 110(8) – Municipal Capital Facilities - Tax Exemption By-Law	Legislation will be followed Notice Type # 4
Section 150 – Licensing	Notice Types # 3, # 1 If comprehensive business By-Law is to be passed, public notice; public meeting at discretion of Council. If By-Law is to license specific type of business, notice to affected businesses
Section 187 – Municipal Name Change	Notice Types # 3 and # 4 Public notice with opportunity to comment; public meeting at direction of Council. By-Law to be sent to parties as set out in legislation
Section 217(3) – Changes to Council Composition	Notice Type # 3 Mandatory notice/consultation if increase to size of Council is being proposed; discretionary (council) notice/consultation if decrease to size is being proposed; public meeting discretionary in both cases
Section 219(1) – Changes to Upper Tier Council Composition	Not Applicable
Section 223(3) – Establishment/Dissolution of Wards	Notice Type # 3 Notice and consultation required; public meeting at discretion of Council
Capital Projects and Municipal Class Environmental Assessment Process	Notice Type # 5 Appropriate and reasonable methods should be reviewed at the outset of and during the progress of the Project
Section 291(1) – Notice regarding Budget	Council may consult with the public through a public meeting prior to Budget deliberations and may present the approved budget to the public at a public meeting called for that purpose

### Notes to Schedule A – By-Law 39-2020:

1. When notice or public meeting is indicated, it also includes notice on the Municipal Website and the opportunity for people to submit written comments.
2. Column 2 shows the minimum requirements for notice. Further notice can be provided at the discretion/direction of Council and/or Municipal staff.
3. For items marked “to be determined if situation arises”, once notice is determined, that becomes the notice requirement for the purpose of this By-Law. Schedule A can be amended by resolution of Council. Delays in amending Schedule A do not preclude the implementation of notice requirements as determined by Council or Municipal staff.
4. If activity requiring notice has been omitted from Schedule A, legislation will be followed. If legislation does not specify how, when or where notice is to be given, reasonable notice applicable to the activity and situation shall be given. In both cases, the activity and notice shall be added to Schedule A by resolution of Council.
5. This schedule does not include Notice Requirements contained in any regulations. Notice requirements contained in regulations will be followed. If regulations do not specify how, when or where notice is to be given, reasonable notice applicable to the activity and situation shall be given. In both cases, the activity and notice requirement shall be added to Schedule A by resolution of Council.