

ADMINISTRATION

Chapter 278 PUBLIC NOTICE INTENTION TO PASS CERTAIN BY-LAWS OR TAKE ACTION

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Schedule 'A' - public notice

WHEREAS the procedures set forth in this Chapter are hereby adopted and established pursuant to paragraph 4 of subsection 270 (1), of the *Municipal Act, 2001*, the procedures governing the manner in which The Corporation of the Town of Richmond Hill shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.

Article 1 INTERPRETATION

278.1.1 Clear days - defined

“clear days” means that where, in Sections 278.3.1, 278.3.2 and 278.3.3, there is a reference to a number of clear days, they shall be counted by excluding the day on which the notice is given and the day of the meeting.

278.1.2 Clerk - defined

“Clerk” means the Clerk or the Deputy Clerk of The Corporation of the Town of Richmond Hill.

278.1.3 Committee of the Whole - defined

“Committee of the Whole” means a committee of Council composed of all of the members sitting in committee as Committee of the Whole.

278.1.4 Corporation - defined

“Corporation” means The Corporation of the Town of Richmond Hill.

278.1.5 Council - defined

“Council” means the Council of the Corporation.

278.1.6 Newspaper - defined

“newspaper” means a document that:

- (a) is printed in sheet form, published at regular intervals of a week or less and circulated to the general public; and
- (b) consists primarily of news of current events of general interest.

278.1.7 Notice to the public - public notice - defined

“notice to the public” or “public notice” means notice given to the public generally, but does not include notice given only to specified persons.

278.1.8 Meetings page - defined

“meetings page” means the subdirectory on the Town’s website where notices are posted.

278.1.9 Municipal Act - defined

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

278.1.10 Town's website - defined

"Town's website" means the official Town of Richmond Hill website (www.richmondhill.ca).

**Article 2
APPLICATION****278.2.1 Notice required - form - manner - time - prescribed**

Where the Town is required to give notice to the public under a provision of the *Municipal Act*, and the form, manner and/or times such notice shall be given is prescribed in the *Municipal Act* or its regulations, then the notice to the public shall be given as prescribed. Where the Town is required to give notice to the public under a provision of any other legislation, and the form, manner and/or times such notice shall be given is prescribed in such legislation or its regulations, then the notice to the public shall be given as prescribed.

278.2.2 Notice required - form - manner - times - not prescribed

Where the Town is required to give notice to the public under a provision of the *Municipal Act*, and the form, manner and/or times such notice shall be given is not prescribed, notice to the public shall be given in the form, manner and/or times indicated in Article 3 of this Chapter. Where the Town is required to give notice to the public under a provision of any other legislation, and the form, manner and/or times such notice shall be given is not prescribed, notice to the public shall be given in the form, manner and/or times indicated in Article 3 of this Chapter.

278.2.3 Notice not required in Municipal Act

Provided that the *Municipal Act* does not require public notice prior to taking an action listed in Schedule 'A' to this Chapter, the Town shall provide notice to the public prior to taking an action listed in Schedule 'A' in the form, manner and times set out in this Chapter. In the event that the *Municipal Act* is amended to require public notice prior to taking an action listed in Schedule 'A' to this Chapter, then the Town shall provide notice to the public in accordance with Section 278.2.1 or Section 278.2.2, as applicable.

278.2.4 Notice required - Chapter does not apply

This Chapter does not apply to notices that are otherwise provided for in Chapter 38 of the Town of Richmond Hill Municipal Code, including notice of a motion that deals with the giving of public notice.

Article 3

NOTICES TO THE PUBLIC - GENERAL REQUIREMENTS

278.3.1 Notice - published in newspaper

The public notice shall be given by publication in a newspaper in the Town no fewer than five clear days prior to the holding of the meeting to consider the taking of an action for which the public notice is required pursuant to this Chapter.

278.3.2 Notice - posted on website

In addition to the requirements of Section 278.3.1, the public notice shall be posted on the meetings page of the Town's website no fewer than five clear days prior to the holding of the meeting described in Section 278.3.1.

278.3.3 Notice - deemed sufficient

A public notice given under Sections 278.3.1 and 278.3.2 is deemed sufficient even if there are times during the five clear days when the Town's website is not accessible by the public for any reason whatsoever.

278.3.4 Notice - information to be included

A public notice given under Sections 278.3.1 and 278.3.2 shall contain the following information:

- (a) A general description of the matter;
- (b) Where the matter relates to a defined location, sufficient particulars of the location such as reference to a municipal address or street intersection, or to a legal description or key map; and
- (c) The date, time and location at which the matter will be considered at a Committee of the Whole or Council meeting.

278.3.5 Matter deferred - additional notice not required

If the matter is deferred at the Committee of the Whole or Council meeting, no additional notice is required except where the *Municipal Act* or other legislation provides otherwise.

278.3.6 Matter considered - additional notice not required

If the matter is considered at a subsequent Committee of the Whole or Council meeting, no additional notice is required, except where the *Municipal Act* or other legislation provides otherwise.

278.3.7 Notice - minimum requirements

The requirements in Sections 278.3.1 to 278.3.6 inclusive are minimum requirements and the Clerk is authorized to give notice to the public in an extended manner if, in the opinion of the Clerk, Council and/or other Town officials concerned with the matter, the extended manner is reasonable and necessary in the circumstances.

278.3.8 Public notice - emergency

Notwithstanding the requirements of this Chapter, provided that the *Municipal Act* or a provision of any other legislation does not require public notice for the taking of the actions listed in Schedule 'A', if the taking of any of these actions is required due to an emergency, public notice of a special meeting of Council or Committee of the Whole summoned to deal with the taking of the action shall be given by posting a notice on the door of the Council chambers or such other place as the meeting is held.

278.3.9 Saving - failure to give notice

If, by oversight or otherwise, public notice is not given in the manner prescribed by this Chapter, the meeting of Council or Committee of the Whole, as the case may be, shall not be void or voidable by reason of such failure to give public notice or the insufficiency of any public notice and no proceeding or action taken at that meeting shall be void or voidable by reason of such failure to give public notice or the insufficiency of any public notice.

**Article 4
SCHEDULES****278.4.1 Schedules**

All Schedules attached to this Chapter form part of this Chapter.

**Article 5
SEVERABILITY****278.5.1 Validity**

Should any Section, Subsection, Clause or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Chapter as a whole or any part thereof, other than the part so declared to be invalid.

**Article 6
REPEAL - ENACTMENT****278.6.1 By-law - previous**

By-law 2-03 is hereby repealed.

278.6.2 Effective date

This Chapter shall come into force on the date of the enactment of the enabling by-law. By-law 170-07, 10 December, 2007, Schedule 'A.'

PUBLIC NOTICE

SCHEDULE

Schedule 'A' - public notice

The Corporation shall give public notice of its intention to take actions with respect to the following matters in accordance with Article 3 of this Chapter:

- (a) permanently closing a highway;
- (b) changing the name of a highway;
- (c) passing a by-law respecting advertising devices, including signs;
- (d) licensing, regulating and governing any business wholly or partly carried on within the municipality;
- (e) the Corporation changing its name;
- (f) changing the composition of Council;
- (g) dividing or re-dividing the municipality into wards or dissolving existing wards; and
- (h) adopting its budget. By-law 170-07, 10 December, 2007; Schedule 'A'.