



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 378-2007

A By-law to amend Procedure By-law 160-2004, as amended, to prescribe the circumstances, form, manner and times for the provisions of notice to the public and to repeal Public Notice By-law 393-2002

WHEREAS By-law 160-2004 provides rules governing the order and proceedings of the council and committees of the council of The Corporation of the City of Brampton;

WHEREAS the *Municipal Act, 2001, as amended, ss. 270(1)* requires every municipality to 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, 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 in the Procedure By-law the minimum notice requirements for those actions for which the notice requirements are not prescribed under the provisions of the *Municipal Act, 2001* or its regulations;

AND WHEREAS, pursuant to Committee of Council Recommendation CW492-2007 approved by City Council on November 28, 2007, it is deemed appropriate to amend By-law 160-2004;

NOW THEREFORE the Council of the Corporation of the City of Brampton repeals By-law 393-2002, as amended, and

AND THEREFORE the Council of the Corporation of the City of Brampton ENACTS as follows:

That By-law 160-2004 is hereby amended as follows:

1. Section 1.1 is hereby amended by deleting the definition for "public notice" and substituting the following:

"public notice" means notice given to the public generally as it relates to an intent to act or take action, an action taken or to hold a public meeting related to a subject matter within the jurisdiction of the City, but does not include notice given only to specified persons.

2. Section 1.1 is hereby amended by adding the following definitions:

“Newspaper” means a printed publication in sheet form published regularly, that, in the opinion of the Clerk, has such circulation within the municipality as to provide reasonable notice to such persons affected by any public notice.

“web site” means the official City of Brampton Internet Web Site.

3. Section 1.1 is hereby amended by renumbering the definitions starting at (1) through (37):

4. A new Section 21 is added as follows:

21. Public Notice Provisions

21.1 Circumstances for Public Notice

- a. Where the City is required to give public notice under this section, the notice shall be given in a form, manner and at the times indicated by this section, unless:

- (i) The *Municipal Act, 2001*, another act, or a regulation prescribes or permits otherwise;
- (ii) Another City By-law or resolution prescribes or permits otherwise; or
- (iii) Council directs by resolution a method by which notice is to be given that Council considers adequate to give reasonable notice.

- b. Where there is a conflict between this section and public notice provisions of the *Municipal Act, 2001*, another act, regulation, or by-law of City Council, the *Municipal Act, 2001*, other act, regulation, or by-law shall prevail.

- c. Where a public notice does not strictly comply with the provisions contained in this section as to form, but would substantially inform a reasonable person of the subject matter to which the public notice relates, the public notice shall be deemed to be adequate, and in compliance with this section.

- d. Where a public notice is required under the *Municipal Act, 2001* but is not provided for specifically in this section, 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 section.

21.2 Manner of Public Notice

Where public notice of an action or decision, including an intention to pass a by-law or notice of a public meeting, is required to be given by this section, the Clerk shall cause such public notice to be given in a manner in accordance with Schedule A to this by-law.

### 21.3 Time of Public Notice

Where public notice of an action or decision, including an intention to pass a by-law or notice of a public meeting, is required to be given, such notice shall be provided in the time frame prescribed in the *Municipal Act, 2001* or its regulations, and if not so prescribed, notice shall be given at least once during the period of a minimum of five (5) calendar days and not more than twenty-one (21) calendar days prior to the Council or Committee meeting at which the subject matter is to be considered, except where otherwise provided in this section.

### 21.4 General Provisions

- a. No public notice shall be required under this section with respect to matters to be considered by Council or Committee at a meeting or part of a meeting that is closed to the public in accordance with the provisions of the *Municipal Act, 2001*.
- b. Nothing in this section shall prevent the Clerk from using more comprehensive methods of notice or providing for a longer notice period where circumstances warrant in her discretion.
- c. If the subject matter, for which public notice is required to be given, is deferred or referred at a Council or Committee meeting, no additional public notice is required, except where the *Municipal Act, 2001*, another act, regulation, by-law or resolution provides otherwise, or the Council or Committee directs otherwise.
- d. If a matter arises, which in the opinion of the Mayor, or City Manager 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 or property in the municipality, or if a state of emergency is declared, or if so advised by a Provincial Ministry, the public notice requirements of this by-law may be waived by the Mayor and the Clerk shall make reasonable efforts to provide as much notice as the Clerk considers appropriate, having regard to the prevailing circumstances.

### 21.5 Form of Public Notice

- a. Unless otherwise prescribed in the *Municipal Act, 2001*, another act, regulation, by-law or resolution, the form of the public notice shall include the following information:
  - (i) A general description of the purpose and/or effect of the subject matter
  - (ii) The date, time and location of any meeting to consider the subject matter
  - (iii) Where the matter relates to a general location, and where appropriate, a key map showing the affected lands
  - (iv) Where the matter relates to a specific location, sufficient information of the location to identify the location

- (v) Instructions on obtaining any additional information, which may include the contact name, address, telephone number, fax number, email address, and website
- (vi) The name, title and address of the person who is designated to receive submissions or written comments, and the deadline for receiving such submissions or comments
- (vii) A statement that no further public notice is required should the subject matter be deferred or referred by Council or Committee at the meeting for which notice is given.


5. This by-law shall constitute the policy of The Corporation of the City of Brampton with respect to the circumstances in which the City shall provide notice to the public as required by s. 270 of the *Municipal Act, 2001*.

Effective Date

- 6. By-law 393-2002, as amended, is repealed effective as of January 2, 2008.
- 7. This by-law shall come into full force and effect on January 2, 2008.

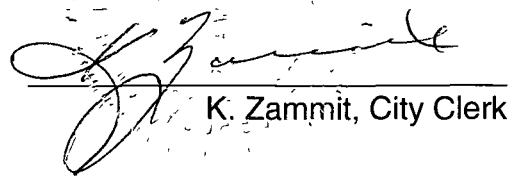
READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 28<sup>th</sup> DAY OF NOVEMBER, 2007.

THE CORPORATION OF THE CITY OF BRAMPTON

  
 Approved as to content  
 K. Zammit, City Clerk and  
 Director of Council and Administrative Services  
 Management and Administrative Services

Approved as to  
 form  
 07/11/28  
 WCC

  
 S. Fennell, Mayor

  
 K. Zammit, City Clerk

## Schedule A – Public Notice Provisions and Methods

**Schedule A**  
**Public Notice Provisions and Methods**

1. Notice to the public shall be provided under the following circumstances:

**Public and Private Roads**

- Intention to pass a by-law related to permanently closing a public road
- Intention to pass a by-law related to altering a public road
- Intention to pass a by-law related to naming or changing a name of a public or private road

**Advertising Devices and Signs**

- Intention to pass a by-law related to advertising devices or signs

**Municipal Capital Facilities**

- Passage of a by-law relating to the provision of a municipal capital facility for the City

**Licensing and Registrations**

- Intention to pass a by-law related to business licenses

**Municipal Restructuring**

- Before Council votes on whether to support or oppose a restructuring proposal
- Intention to pass a by-law related to changing the name of the municipality
- Intention to pass a by-law related to changing the Council composition
- Intention to pass a by-law related to establishing, dissolving or changing wards or ward boundaries

**Policies and Procedures**

- Intention to pass a by-law related to the Procedure By-law

**Financial Administration**

- Before voting to adopt an annual or multi-year current or capital budget

Note: Normal operating costs incurred prior to the adoption of the annual current budget shall not require public notice, and approval of such expenditures shall be deemed ratified upon the adoption of the annual current budget.

- Publication of the audited financial statements of the municipality for the previous year

**User Fees and Charges under the Municipal Act, 2001**

- Intention to pass a by-law related to a new or revised user fee or charge imposed by the municipality

2. Unless noted otherwise, public notice under these circumstances shall be given by the following methods:
- a. **Notice Given by Newspaper Publication** - Notice published at least once in a newspaper before the occurrence of the subject matter of which notice is being given.
  - b. **Notice Given by Web Site Posting** - Notice published on the City's Web site, or other conspicuous place, preceding the occurrence of the subject matter of which notice is being given.

In the event the City's web site is not accessible during a portion of the time period notice is to be given, the notice given shall continue be deemed sufficient and reasonable notice.

- c. **Notice Given by Meeting Agenda Publication** - Notice published in a City Council or Committee meeting agenda by listing and identifying the subject matter on the agenda of the meeting at which it is to be considered.