



Attachment 3  
*Community Charter Sec. 94*

## COMMUNITY CHARTER

### Requirements for public notice

- 94** (1) If this or another Act requires notice to be given or published in accordance with this section, the notice must be published
- (a) in accordance with section 94.1 or 94.2, as applicable, and
  - (b) by posting the notice in the public notice posting places.
- (2) If a matter is subject to 2 or more requirements for publication in accordance with this section, the notices may be combined so long as the requirements of all applicable provisions are met.
- (3) A council may provide any additional notice respecting a matter that it considers appropriate, including by the internet or other electronic means.

### Default publication requirements

- 94.1** (1) Unless a council has adopted a bylaw under section 94.2, and subject to subsection (3) of this section, a notice must be published
- (a) in a newspaper that is distributed at least weekly
    - (i) in the area affected by the subject matter of the notice, and
    - (ii) if the area affected is not in the municipality, also in the municipality, and
  - (b) unless this or another Act provides otherwise, once each week for 2 consecutive weeks.
- (2) The obligation under subsection (1) may be met by publication of the notice in more than one newspaper, if this is in accordance with that subsection when the publications are considered together.
- (3) If publication under subsection (1) is not practicable, the notice may be given in the areas by alternative means so long as the notice
- (a) is given within the same period as required for newspaper publication,
  - (b) is given with the same frequency as required for newspaper publication, and
  - (c) provides notice that the council considers is reasonably equivalent to that which would be provided by newspaper publication.
- (4) As an exception, subsection 3 (b) does not apply in relation to an area if the alternative means is by individual distribution to the persons resident in the area.

## **Bylaw to provide for alternative means of publication**

- 94.2** (1) A council may, by bylaw, provide for alternative means of publishing a notice instead of publishing the notice in a newspaper in accordance with section 94.1 (1) (a) and (b).
- (2) A bylaw adopted under this section must specify at least 2 means of publication by which a notice is to be published, not including posting in the public notice posting places.
- (3) Subject to the regulations, a council may specify, in a bylaw adopted under this section, any means of publication, so long as, before adopting the bylaw, the council considers the principles prescribed by regulation under subsection (6) (a).
- (4) Section 12 does not apply in relation to a council's authority to adopt a bylaw under this section.
- (5) If a bylaw is adopted under this section, the applicable notice referred to in section 94 (1) (a)
- (a) must be published by the means specified in that bylaw,
  - (b) subject to the regulations and unless this or another Act provides otherwise, must be published at least 7 days before the date of the matter for which notice is required, and
  - (c) if a period is prescribed for the purpose of this paragraph and unless this or another Act provides otherwise, must be published in the prescribed period before the date of the matter for which notice is required.
- (6) The minister may make regulations as follows:
- (a) prescribing the principles that must be considered before adopting a bylaw under this section;
  - (b) prescribing one of the means of publication that must be specified in a bylaw adopted under this section;
  - (c) requiring that one or more of the means of publication specified in a bylaw adopted under this section be selected from the prescribed means;
  - (d) for the purpose of subsection (5) (b), prescribing a number of days, other than 7 days, before the date of the matter for which notice is required;
  - (e) for the purpose of subsection (5) (c), prescribing a period of time.