

**THE CORPORATION OF THE  
TOWNSHIP OF ASPHODEL-NORWOOD**

**BY-LAW No. 2011-15**

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**PROCEDURAL BY-LAW**

***Being a By-law to Govern the proceedings of Council and Committees of  
the Corporation of the Township of Asphodel-Norwood***

**WHEREAS** pursuant to the *Municipal Act, 2001*, Section 238, c. 25, Section 238 states every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

**NOW THEREFORE** the Council of the Corporation of the Township of Asphodel-Norwood hereby enacts as follows:

**Definitions**

In this By-law:

- a) "Clerk" means the Clerk of the Corporation of the Township of Asphodel-Norwood;
- b) "Committee" means any advisory or other Committee, subcommittee or similar entity composed of which at least fifty percent of the members are also members of one or more councils or local boards;
- c) "Committee of the Whole" means all the members present at a meeting sitting in committee.
- d) "Council" means the Council of the Corporation of the Township of Asphodel-Norwood;
- e) "Head of Council" means the Reeve of the Corporation of the Township of Asphodel-Norwood;
- f) "Majority" means more than fifty (50%) of the members present at a meeting.
- g) "Meeting" means any regular, special, committee or other meeting of a council or local board;
- h) "Point of Order" means an issue or concern regarding conformity to this By-law and/or the rules of order of Council, difficulty in continuation of a meeting, improper, offensive or abusive language, notice that discussion is outside the scope of a motion or notice of motion, or irregularities in the proceedings.
- i) "Point of Privilege" means a concern about the honour, dignity, character, rights or professionalism of the Reeve, members of Council or members of staff.
- j) "Presiding Officer" means the member of Council who is responsible to preside over or act as the Chairperson of a meeting as defined within Section 17, 18 and 19 of this by-law.
- k) "Quorum" means a majority of the members of a municipal council is necessary to form a quorum.

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**General**

1. The rules and regulations contained in this Procedural By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the Council and the Committees of Council.
2. All Council and Committee meetings shall be open to the public except those meetings or parts thereof that are dealing with a subject matter listed in the Municipal Act, that are permitted to be discussed in closed session. Before holding a meeting or part of a meeting that is to be closed to the public, council shall, by resolution, state the fact that the meeting is closed and the general nature of the matter to be considered at the closed meeting.

**Council and Committee Meetings**

3. It shall be the responsibility of the Clerk to forward all notices and agendas for regular and special Council meetings.
4. **Meetings of the Council shall be held at the Township of Asphodel-Norwood Council Chambers, 2357 County Road 45 in Norwood which is adopted and used by the Council from time to time for such purpose. The Inaugural Meeting of Council shall take place at 9:00 a.m. on the 2<sup>nd</sup> Tuesday in December.**

**The next and each succeeding regular meeting of Council shall be held on the 4<sup>th</sup> Tuesday of the month at 9:00 a.m. except for February, July, August and September**

- **February, July, August and December – These meeting will be held the 2<sup>nd</sup> Tuesday of the month at 9:00 a.m.**

Committee of the Whole meetings will be held on the 2<sup>nd</sup> Tuesday of each month at 9:00 a.m. (except for February, July, August and December).

5. When the day for a regular meeting of the Council is a public or civic holiday, the Council shall meet at the same hour on the following day, which is not a public or civic holiday, unless an alternative day is determined by resolution of Council.
6. Council may, **by resolution**, cancel a scheduled regular meeting or reschedule a regular meeting to another date and/or time provided that adequate notice of the change is posted in the Municipal Office, on the Township of Asphodel-Norwood website and/or other available media and communication resources.

**Special Meetings**

7. The Head of Council may at any time summon a special meeting of Council or upon receipt of the petition of the majority of the members of the Council, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition. (*Municipal Act S.240*).
8. Notice of all special meetings of Council shall be given to the members, either verbally, via email or in writing, through the Clerk's Office.

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9. The notice calling a special meeting of the Council shall state the business to be considered at the special meeting and no business other than stated in the notice shall be considered at such meeting.

**Notice of Meetings**

10. a) Notice of all public meetings of Council or Committee shall be made by means of posting the information in the Municipal Office, on the Township's website and/or other available media and communication resources as deemed necessary by the Clerk a minimum of forty eight (48) hours in advance.
- b) Notice will include the time, location and issues to be discussed.

**Emergency Provisions**

11. In the event of an emergency, as determined by the Head of Council, a meeting may be called at any time.

**Presiding Officer**

12. The Head of Council shall preside at all meetings of Council. (*Municipal Act*). S.241(1))
13. In the absence of the Head of Council, the Acting Head of Council (Deputy Reeve) shall be the Presiding Officer.

**Absence of Presiding Officer**

14. Should the Head of Council not attend within five (5) minutes after the time appointed for a meeting of Council and the Acting Head of Council is not present to assume the role of Presiding Officer, the Clerk shall call the members to order and a Presiding Officer shall be appointed from among the members present, and he/she shall preside until the arrival of the Head of Council or the Acting Head of Council and while so presiding shall have all the powers of the Head of Council. (*Municipal Act S.242*)

**Calling of Meeting to Order and Quorum**

15. A majority of the whole number of members required to constitute a Council is necessary to form a quorum. (*Municipal Act S.237(1)*)
16. As soon after the hour fixed for the holding of the meeting of the Council and if a quorum is present, the Head of Council shall take the Chair and call the meeting to order.

**No Quorum**

17. If no quorum is present thirty (30) minutes after the time appointed for a meeting of the Council, the Clerk shall record the names of the members present and the meeting shall stand adjourned until the date of the next regular meeting or until a special meeting is called by the Chair.

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**Curfew**

18. No item of business, with the exception of the confirming By-law and a motion to adjourn, may be dealt with at a Council meeting **after 12:00 p.m.** unless the time for adjournment is extended by resolution of Council passed by **unanimous vote**.

**Recess**

19. A motion to recess when other business is before the meeting shall specify the length of time of the recess.
20. A motion to recess when other business is before the meeting shall not be debatable and shall only be amendable with respect to the length of the recess.
21. A motion to recess when other business is before the meeting shall not have a motion to reconsider applied to it.

**The Conduct of Proceedings at a Meeting of Council**

22. It shall be the duty of the Head of Council or other Presiding Officer:
- a) to open the meeting of Council by taking the Chair and calling the members to order;
  - b) to remind Council of the Municipal Conflict of Interest Act legislation requiring a member to make a declaration of pecuniary interest and to refrain from participating in and/or voting on subject matter;
  - c) to announce the business before the Council in the order in which it is to be acted upon;
  - d) to inform any public present at the meeting regarding the provisions with respect to "Deputations" and other rules of conduct in connection with the operation of the meeting;
  - e) to receive and submit in the proper manner all motions presented by members of Council;
  - f) to put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of the proceedings and to announce the result;
  - g) to decline to put to vote motions which infringe upon the rules of procedure;
  - h) to restrain the members within the rules of order when engaged in debate;
  - i) to enforce on all occasions the observance of respect, order and decorum among the members; decide questions of order (subject to an appeal to council by any member) and, without unnecessary comment, cite the rule or authority applicable to the case if called upon to do so;

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- j) to call by name any member persisting in breach of the rules or order of the Council thereby ordering him/her to vacate the Council Chambers;
  - k) to receive all messages and other communications addressed to Council and announce them to the Council, provided that no message or communication shall be received unless it is signed by the author and the author's address is disclosed;
  - l) to authenticate, by his/her signature when necessary, all By-laws, resolutions and minutes of the Council;
  - m) to inform the Council when necessary or when referred to for the purpose, on a point or usage;
  - n) to represent and support the Council declaring its will, and implicitly obeying its decisions in all things;
  - o) to ensure that the decisions of Council are in conformity with the laws and By-laws governing the activities of the Council;
  - p) may vote on all questions and when so doing, shall vote last, except where disqualified to vote by reason of interest;
  - q) to adjourn the meeting when the business is concluded;
  - r) to adjourn the meeting without questions being put in the case of grave disorder arising in the Council Chamber.
- 23.** The Head of Council or other Presiding Officer may expel any person for improper conduct at a meeting. (*Municipal Act S.241(2)*)
- 24.** The Chair may take part in any debate without leaving the Chair. If the Chair desires to introduce a motion or By-law he/she shall leave the Chair for that purpose and shall call on another member of Council to fill his/her place until he/she resumes the Chair. Said member called to take the Chair shall accept the Chair unless said member has a bona fide reason not to accept the Chair;

**Agenda**

- 25.** The Clerk shall have prepared and printed for the use of the Members at the regular meetings of council an agenda under the following headings:
- 1) Declaration of Pecuniary Interest**
  - 2) Minutes and Notes of Meetings**
  - 3) Business Arising from the Minutes**
  - 4) Delegations**
  - 5) Staff & Committee Reports**
  - 6) Correspondence – For Action or Support**
  - 7) Correspondence – For Information**
  - 8) Reeve/Council Members List\***
  - 9) CAO/Clerks List\***
  - 10) Accounts**
  - 11) Closed session**
  - 12) By-Laws**
  - 13) Confirming By-law**
  - 14) Adjournment**

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\*The information presented during this section of the meeting will be for information only and will not require a decision of Council.

The business of Council shall be taken up in the order as listed on the agenda unless otherwise directed by the Chair or presiding officer.

**26. Agenda Material and Order of Business**

- a) The Clerk shall prepare agendas of the Council and Committee meetings as assigned;
- b) Individuals or groups wishing to appear before the Council at a regular meeting shall advise the Clerk of the municipality not later than **12:00 noon on the Tuesday** prior to the meeting and the Clerk may make a determination as to deferral of delegations to a subsequent meeting.
- c) **Correspondence**  
A Correspondence report will be prepared and included in each agenda. The report will be divided into two sections as follows, Correspondence for Action and Correspondence for Information.
- d) **The agenda package will be available for Council members the Thursday at noon prior to Council meetings.**
- e) Agenda packages will be available for the public Friday afternoon prior to Council meetings.

**Minutes**

**27. Minutes shall record:**

- a) the place, date and time of meeting;
- b) the names of the Presiding Officer, or Officers, and the attendance of the Members and staff;
- c) the reading if requested, correction and adoption of the minutes of prior meetings;
- d) all resolutions, decisions and other proceedings of the meeting without note or comment. (*Municipal Act S.228(1)(a)* )

**Petitions and Communications**

- 28.** Every communication, including a petition designed to be presented to Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language, and shall be signed by at least one (1) person and filed with the Clerk. In addition such communication must include the name and address of at least one of the authors.

**Delegations**

- 29.** Any delegation that wishes to address Council for the purpose of making a verbal presentation to Council, will complete and sign a "Request to Address Council" form and submit it to the Clerk not less than seven (7) days prior to the meeting. If, in the opinion of the Clerk or his/her designate, the request provided does not contain a sufficiently clear

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statement of the issues or matters to be dealt with at Council or is not signed, the request will be returned for clarification.

30. Any delegation that has previously appeared before Council regarding the same matter will not be permitted to address Council within six (6) months of the initial visit, unless in the opinion of the Clerk there is new information that is pertinent to the matter.
31. Written material to be distributed to Council should be submitted to the Clerk by **12 noon on the Tuesday** prior to the Council meeting.
32. Delegations shall be limited to (3) three per meeting.
33. Delegations shall be listed on the agenda in the order set by the Clerk.
34. Delegations shall be limited to speaking to not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes.
35. The question period immediately following Delegations/Invited Persons and Public Meetings shall last a maximum of fifteen (15) minutes during which time individual Councillors will be allowed to ask questions, one question at a time per person on a rotating basis to ensure that each Councillor wishing to ask a question is given an opportunity.

**Reading of By-laws and Proceedings Thereon**

36. No by-law except a by-law to confirm the proceedings of Council shall be presented to Council unless the subject matter thereof has been considered and approved by Council.
37. Every By-law shall be introduced upon motion by a member specifying the title or a short description to the Council.
38. Every By-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any relevant Act.
39. A copy of any proposed by-law will be given to all council members in the agenda package prior to the meeting at which it is to be considered.
40. All major Agreements entered into by the Township of Asphodel-Norwood must be approved by by-law and the agreement shall form part of and be included as a Schedule to the by-law for safekeeping.
41. Every By-law shall be given three (3) readings prior to passage.
42. The first and second readings of a by-law shall be decided without amendment or debate.
43. A Member of Council may introduce all three readings of a by-law within the same motion.
44. If Council so determines, a By-law may be taken as read.

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45. The Clerk shall set out on all By-laws enacted by Council the date of the readings thereof.
46. Every By-law enacted by the Council shall be numbered and dated and shall be embossed with the seal of the Corporation and signed by the Clerk and the Presiding Officer, and shall be deposited by the Clerk in the Township vault or any other place appointed for the purpose of security and safekeeping.
47. Any motion may be introduced without notice if Council, without debate, agrees on a majority vote to dispense with notice provisions.
48. Any proposed By-law may be referred to a Committee, Department Head or other officer of the Corporation for review and comment, including the Solicitor for the Municipality.

**Confirmatory By-law**

49. At the conclusion of all regular meetings of the Council and prior to adjournment, a Confirmation By-law shall be brought forward to confirm the actions of the Council at that meeting in respect of each motion, resolution and other action taken.
50. A confirmation By-law when introduced, shall be taken as having been given three (3) readings and shall be voted on without debate.

**Motions**

51. Insofar as is practicable, notice of motions shall be given in writing to the Clerk not later than 4:30 p.m. six (6) days in advance on the **Wednesday** preceding the next regular meeting so that the matter may be included in the Council Agenda.
52. Presentation of Motion – When a motion is presented in Council in writing, it shall be read or if it is a motion which may be presented orally, it shall be stated by the Presiding Officer before debate.
53. Seconding – A motion, apart from a question of privilege, a point of order or withdrawing a motion, must be formally seconded before the Presiding Officer can put the question to the Members or the motion can be recorded in the minutes.
54. Once read or stated by the Presiding Officer, a motion may not be withdrawn without the consent of the majority of the members.
55. When a motion is seconded, and at the request of a council member, it may be read or stated by the Clerk before being voted on.
56. Whenever the Presiding Officer is of the opinion that a motion is contrary to the rules and privileges of the Council, he/she shall apprise the members thereof immediately before putting the question, and shall cite the rule or authority applicable to the case without argument or comment.
57. A motion to adjourn the Council shall be decided without debate and shall always be in order except;
  - a) when a member is in possession of the floor;
  - b) when a recorded vote has been called;

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- c) when the members are voting;
  - d) when it has been decided that the vote be now taken;
  - e) when a member has indicated to the Presiding Officer his/her desire to speak on the matter before Council.
- 58.** The following matters and motions may be introduced orally without written notice and without leave except as otherwise provided by these rules:
- a) a point of order or personal privilege;
  - b) presentation of petitions;
  - c) to lay on the table (to defer temporarily);
  - d) to postpone indefinitely or to postpone to a specific day;
  - e) to move the previous question (immediate vote on the main motion);
  - f) to adjourn;
  - g) to suspend;
  - h) to amend;
  - i) to suspend the rules of procedure.
- 59. Amendment** – a motion to amend:
- a) shall receive disposition of Council before a previous amendment or the question;
  - b) shall not be further amended more than once provided that further amendments may be made to the main question;
  - c) shall be relevant to the question to be received;
  - d) shall not be received proposing a direct negative to the question;
  - e) shall be put in the reverse order to that in which it was moved.
- 60. The Previous Question** (A motion for the previous question)
- a) cannot be amended;
  - b) cannot be proposed when there is an amendment under consideration;
  - c) shall preclude all further amendments of the main question;
  - d) when resolved in the affirmative, the question is to be put forthwith without debate or amendment;
  - e) can only be moved in the following words, *“that the question be now put”*
  - f) may be voted against by the mover and the seconder.
- 61. Privilege** – A point of privilege shall receive disposition of Council forthwith upon receipt and, when settled, the question so interrupted shall be resumed from the point where it was suspended.
- 62. Motion to Refer** – A motion to refer a question to Committee with or without instructions may be amended but must receive disposition by Council before the question, or an amendment to the question, and when

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made prior thereto, before decision on a motion for the previous question or postponement.

**Voting on Motions**

- 63. Questions Stated** – Immediately preceding the taking of the vote, the Presiding Officer may state the question in the form introduced and shall do so if required by a member, except when a motion for the previous question has been resolved in the affirmative.
- 64. No Interruption After Question** – After a question is finally put by the Presiding Officer no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- 65. Unrecorded Vote** – The manner of determining the decision of the Council on a motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing or otherwise.
- 66. Failure to Vote** – A failure to vote by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.
- 67. Recorded Vote**
- a) When a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, that member would vote first and the remaining members will vote in alphabetical order, except a member who is disqualified from voting by an Act, shall announce his/her vote openly and the clerk shall record each vote. (*Municipal Act S.246(1)*)
  - b) The names of those who voted for and others who voted against shall be noted in the minutes. An abstention is deemed to be a negative vote. The Clerk shall announce the results. (*Municipal Act S.246(1) (2)*)
- 68.** The Presiding Officer, unless otherwise prohibited by Statute, may vote on all questions and when doing so shall vote last.
- 69.** If the Presiding Officer desires to introduce a motion or By-law, he or she shall leave the Chair for that purpose and shall call upon another Member to fill his or her place while the matter is being considered. Upon completion of the matter so introduced, the Chair shall resume the Chair and preside over the meeting.
- 70.** Except where otherwise expressly provided by Statute, any question on which there is an equality of votes shall be deemed to be defeated. (*Municipal Act S.245*)
- 71.** No vote shall be taken by secret ballot or by any other method of secret voting, and every vote so taken is of no effect.

**Rules of Debate**

- 72.** Every member prior to speaking to any question or motion shall formally address the Presiding Officer. When two or more members wish to speak,

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the Presiding Officer shall designate the member who has the floor, who shall be the member who, in the opinion of the Presiding Officer, first indicated his/her desire to speak. Every member present at a meeting of Council, when a question is put, shall vote thereon unless prohibited by Statute.

- 73.** When the Presiding Officer calls for the vote on a question, each member shall occupy his/her seat and shall remain in his/her place until the result of the vote has been declared by the Presiding Officer and during such time no member shall walk across the room to speak to any other member or make any noise or disturbance.
- 74.** When a member is speaking, no other member shall pass between him/her and the Chair or interrupt him except to raise a point of order.
- 75.** The number of times a member may speak on any question shall be limited to two and no member shall speak more than once until every member who desires to speak shall have spoken, except that a reply shall be allowed to be made only by a member of the Council who has presented the motion to the Council, but not by any member who has moved an amendment or a procedural motion.
- 76.** No member, without permission of the Council, shall speak to the question or in reply for longer than three (3) minutes.
- 77.** A member may ask a question only for the purpose of obtaining information relating to the matter under discussion and such question must be stated specifically and asked only of the previous speaker.
- 78.** When a member has been recognized as the next speaker, then immediately before speaking such member may ask a question of the Presiding Officer or an Official of the Municipality on the matter under discussion but only for the purpose of obtaining information, following which the member shall speak.
- 79.** Any member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.

**Points of Order**

- 80.** The Presiding Officer shall preserve order and decide questions of order.
- 81.** A member rising to a point of order shall ask leave of the Presiding Officer to raise such a matter. After leave is granted the point of order shall be stated and the member shall wait for the Presiding Officer to decide the point of order at issue.
- 82.** The Council, if appealed to, shall decide the question without debate and its decision shall be final.

**Committee of the Whole**

- 83.** When it appears that any matter may be more conveniently considered in Committee of the Whole, the Council may, on a motion, resolve itself into Committee of the Whole.

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- 84.** Committee of the Whole shall be deemed public, except those meetings or parts thereof that are dealing with a subject matter listed in the *Municipal Act*, that are permitted to be discussed in closed session. Before holding a meeting or part of a meeting that is to be closed to the public, the committee shall, by resolution, state the fact that the meeting is closed and the general nature of the matter to be considered at the closed meeting.
- 85.** The Head of Council may preside as Chairperson of the Committee of the Whole or may designate another member to preside as Committee Chairperson.
- 86.** The Committee Chairperson shall maintain order in the Committee of the Whole.
- 87.** The rules governing the procedure of the Council and the conduct of Members of Council shall be observed in Committee so far as they are applicable, except that:
- a) the number of times of speaking on any question shall not be limited unless a member moves the previous question;
  - b) no member shall speak more than once except to make an explanation until every member who desires to speak has spoken;
  - c) no motion, except a motion to rise, shall be in order.
- 88.** A motion in Committee of the Whole to rise shall be decided without debate.

**Conduct of Members of Council**

- 89.** No member shall speak disrespectfully of the Reigning Sovereign, or of any of the Royal Family, or of the Governor-General, the Lieutenant Governor of any province, or any member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.
- 90.** No member shall:
- a) use offensive words or unparliamentarily language in or against the Council or against any member of Council, staff or guest;
  - b) speak on any subject matter other than the subject in debate;
  - c) criticize any decision of the Council except for the purpose of moving that the question be reconsidered;
  - d) disobey the rules of the Council or a decision of the Presiding Officer or of the Council on questions of order or practice or upon the interpretation of the rules of the Council, and in case a member persists in any such disobedience after having been called to order by the Presiding Officer, the Presiding Officer may forthwith put the question, no amendment, adjournment or debate being allowed, "that such member be ordered to leave his/her seat for the duration of the meeting of Council," but if the member apologizes he/she may, by vote of Council, be permitted to retake his/her seat;

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- 91.** No persons except Members and Officers of the Council shall be allowed to approach the Council table during the sittings of Council without permission of the Presiding Officer or the Council upon reference.
- 92.** When the Chair is putting the question, no member shall leave or make a disturbance.
- 93.** No member shall violate the confidentiality of any matter(s) considered in Closed Session. Matters considered by Council in Closed Session are not to be discussed outside of that forum. Violation of these confidentiality provisions may result in the member being expelled from future Closed Session meetings.

**Suspension of Rules**

- 94.** Any procedure required by this By-law may be suspended with unanimous consent of the members of Council present, save and except that any statutory requirement with respect to the proceedings may not be suspended by the Council. Statutory requirements are identified herein by reference to the applicable Act.
- 95.** All provisions of this By-law which are statutory requirements under the Municipal Act are so noted with reference to the relevant section of the Act. Amendments made to these statutory provisions by the Province of Ontario shall take precedence over the provisions contained herein and this By-law shall be deemed to be so amended to conform to the same.

**Severability**

- 96.** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force.

**Repeal of Existing By-law**

- 97.** By-law No. 2009-73 of the Township of Asphodel-Norwood and any other by-law or part thereof which conflicts with this by-law be hereby repealed.

**Effective Date**

- 98.** This By-law shall become effective on March 22, 2011.

Read a first, second and third time and finally passed this 22 day of March 2011.

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Reeve Douglas J. Percy

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Clerk Valerie J. Przybilla