

**The Corporation of the City of Pembroke**

**By-law Number 2016-46**

**Being a by-law of the City of Pembroke to adopt a policy for the provision for the giving of public notice**

**Whereas** Section 270 (1) 4 of the Municipal Act, 2001, S.O. 2001, 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;

**And Whereas** it is deemed advisable and necessary to establish and adopt a Notice Policy thereby establishing that the Council of the Corporation of the City of Pembroke complies with the legislative requirements for giving reasonable notice to the public to ensure that it is accountable;

**Now Therefore** the Municipal Council of the Corporation of the City of Pembroke enacts as follows:

1. That the City of Pembroke Public Notice Policy attached hereto as Appendix "A" is hereby adopted.
2. That the short title of Appendix "A" to this By-law shall be the "Notice Policy".
3. This by-law shall come into force and take effect upon the date of the final passing thereof.

**Read a first and second time this 9<sup>th</sup> day of August 2016**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Treasurer/Deputy Clerk

**Read a third time and passed this 9<sup>th</sup> day of August 2016**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Treasurer/Deputy Clerk

## By-law 2016-46 – Appendix “A”

### Public Notice Policy

#### 1. Policy

This policy describes the circumstances in which notice shall be provided to the public and the form, manner, and times notice shall be given as required under section 270 (1) 4 of the *Municipal Act*, 2001.

#### 2. Purpose

In accordance with the provisions contained in the Municipal Act, this policy sets out the minimum notice requirements, a list of matters for which public notice is required, the form and the manner in which notice is to be given, with the minimum time for providing such notice.

#### 3. Definitions

- a. “**Act**” means the Municipal Act 2001, S.O. 2001, c.25, as amended from time to time, and includes any regulation made there under;;
- b. “**CAO/Clerk**” means the CAO/Clerk of The Corporation of the City of Pembroke or his/her designate.
- c. “**City**” means the City of Pembroke
- d. “**City website**” means website maintained by the [City of Pembroke \(www.pembroke.ca\)](http://www.pembroke.ca)
- e. “**Council**” means the municipal council of the City of Pembroke
- f. “**Council Procedure By-law**” means By-law 2016-44 being a By-law of the City of Pembroke to establish procedures for the City of Pembroke and any successor by-law to that by-law”
- g. “**Newspaper**” means a document that:
  - i. is printed in sheet form, published at regular intervals of a week or less and circulated to the general public;
  - ii. Consists primarily of news of current events of general interest; and
  - iii. For the purpose of this By-law circulated in the geographic area of the City of Pembroke
- h. “**Notice to the Public**” or “**Public Notice**” means notice given to the public generally, but does not include notice given only to specified persons
- i. “**Notice Page**” means the subdirectory on the City’s web site where notices are posted;
- j. “**Published**” means to print in a newspaper that in the opinion of the CAO/Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby.
- k. “**Public**” means the person of the City of Pembroke, including the residents, citizens, taxpayers, whether natural persons or corporations

#### 4. Application

Where the City is required to give notice to the public under a provision of the Act, the notice shall be given in a form and manner and at the times indicated in this policy unless;

- a. The Act, another statute, or a regulation pursuant to such Act prescribes or permits otherwise;
- b. The requirements for notice to the public are prescribed in another policy or by-law; or
- c. Council directs that some other form and manner of public notice is to be given that Council considers adequate to give reasonable notice under the provision.

This policy sets out the minimum requirement, nothing in this policy shall prevent the use of more comprehensive methods of Public Notice or for providing for a longer Public Notice period. No additional Public Notice will be required for subsequent meetings where a matter has been deferred to a subsequent meeting by City Council or by a Committee of Council.

## **5. Notice to the Public (General Requirements)**

Notice to the Public shall contain the following information when applicable:

- a. A general description of the matter under consideration or otherwise involved;
- b. Where the matter relates to a defined location, sufficient particulars of the location to identify it generally, such as a reference to a municipal address or street intersection, or to a legal description or key map;
- c. Purpose of any meeting of which Public Notice is required to be given or the purpose and effect of the proposed action;
- d. identification of the authority under which the Public Notice is being given;
- e. The date, time and location of any meeting at which the matter will be considered of which Public Notice is required to be given;
- f. Instructions on obtaining additional information, submitting comments or attending the meeting.
- g. That the Public Notice is given by the Corporation of the City of Pembroke, or by the CAO/Clerk on its behalf.

## **6. Form of Notice**

Where legislation requires the municipality to provide public notice and it is silent on how the notice is to be provided, the notice shall be:

- a. Placed on the City's website at least one week before the meeting at which the matter is to be dealt with by Council, and
- b. Published in the local daily newspaper at least one week before the meeting at which the matter is to be dealt with by Council

## **7. Closed Session**

No notice shall be required under this policy, where the provision of notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a closed session in accordance with Section 239 of the *Municipal Act* 2001.

## **8. Emergency Provision**

If a matter arises which in the opinion of the CAO/Clerk, 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 of the City of Pembroke, or if a

State of Emergency is declared, or is so advised by a Provincial Ministry, the notice requirements of this policy may be waived and the CAO/Clerk shall make best efforts to provide notice as is reasonable under the circumstances.

#### **9. 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 already prescribed in the Act or its Regulations or otherwise addressed in this policy, notice shall be given at least once, no less than 7 days prior to the proposed activity to be undertaken.

**Notice Classification**

**Class #1** – Personal Notice to Individual or a Limited number of People – sent by mail (may be sent pre-paid or registered mail) to the last known address or hand delivered or posting the notice on the land in a conspicuous place. Notice may be posted on the City website under **Notices**.

**Class #2** – Public Notice shall be published once in a newspaper within one week prior to the passing of the by-law and shall also be posted on the website of the Corporation under **Notices**.

**Class #3** – Notice to be posted on the City of Pembroke’s website under **Notices**.

| <b>Municipal Act Section</b> | <b>Subject Matter</b>          | <b>Basic Requirement</b>  | <b>Notice Classification</b>   |
|------------------------------|--------------------------------|---|--|
| 48                           | Change/Naming of Private Roads | Municipality shall give public notice of intent to pass by-law  | Public Notice #2   |
| 81 (3)                       | Shut-off of Public Utility     | Upon proposed shut-off by municipality or a public utility  | Personal Notice #1   |
| 173 (3)                      | Proposal to Restructure        | <p>Before the Council of a municipality votes on whether to support or oppose a restructuring proposal, the Council shall or may, as applicable, do the following things when the proposal is being developed or after it is developed:</p> <ol style="list-style-type: none"> <li>1. Council shall consult with the public by giving notice of, and by holding, at least one public meeting.</li> <li>2. Council shall consult with such person or bodies as the Minister may prescribe.</li> <li>3. Council may consult with such other persons and bodies as the municipal considers appropriate.</li> </ol> | Public Notice #2 Prior to Council voting<br>At least 1 Public Meeting                  |
| 206                          | BIA Composition and Budget     | A board of management shall give reasonable notice to the general membership of the improvement area of a meeting to hold a vote under clause 204 (3) (b) or for the purposes of a discussion under subsection 205 (1)  | Personal Notice #1 to the general membership<br>Date and time set by the municipality. |

|           |   |   |   |
|-----------|---|---|---|
| 210       | BIA By-law                                  | Prior to passing a by-law and prior to designating an area as an improvement area and establish a board or management and to set levy upon rateable property in the improvement area. Notice of the proposed by-law shall be sent by prepaid mail to the Board of Management of the improvement area and every person assessed for rateable property within the improvement area. | Personal Notice #1  |
| 211       | BIA – Repeal of By-law                      | Council shall give notice in accordance with subsection 210 (1) of a proposed by-law to repeal a by-law under section 204 (1) if the municipality has received a qualifying resolution or a request. A municipality shall give notice before passing a by-law and shall hold at least one public meeting.   | Personal Notice #1 Before passing the By-law. AT least one Public Meeting |
| 219 (1)   | Change composition of Council               | Before passing a by-law, the municipality shall give notice of its intention to pass the by-law and shall hold at least one public meeting.   | Personal Notice #2 AT least one Public Meeting                            |
| 238 (2.1) | Giving of Notice                            | The Procedural By-law shall provide for public notice of meetings   | Public Notice #3  |
| 295       | Publication of Financial Statement          | Within 60 days after receiving the audited financial statements of the municipality for the previous year   | Public Notice #3 Within 60 Days   |
| 297 (4)   | Auditor's right to attend – Right of Access | Auditor's entitlement to attend any meeting and receive all notices relating to the meeting and to make representation as required  | Personal Notice #1  |
| 331       | Taxes on Eligible Properties                | The local municipality shall mail to the owner of each eligible property the list of the comparable properties and the determination made under subsection (2) with respect to the eligible property within 60 days after the date the list is received by the local municipality   | Personal Notice #1 within 60 days   |

