


# POLICY

	Policy:	<b>PROVISION OF NOTICE TO THE PUBLIC</b>		
	Department:	Office of the CAO		
	Division:	Municipal Governance	By-Law No.:	2015-51
	Prepared By:	Paula Parker	Approval Date:	April 7, 2015
			Pages:	9
	Replaces:	A10 – Provision of Notice to the Public – Nov. 26, 2007		

## INDEX

1. POLICY STATEMENT	PAGE 1
2. PURPOSE	PAGE 1
3. SCOPE	PAGE 2
4. DEFINITIONS	PAGE 2
5. INTERPRETATIONS	PAGE 3
6. GENERAL CONDITIONS	PAGE 3
7. PROCEDURES	PAGE 5

## APPENDIX A – NOTICE REQUIREMENTS

### 1. POLICY STATEMENT

- 1.1. The Corporation of the Town of Amherstburg is committed to conducting the role of government in an accountable and transparent manner that enhances public trust and best serves the interests of the public.

### 2. PURPOSE

- 2.1. Section 270 (1) subsection [4] of the *Municipal Act, 2001*, requires that The Corporation of the Town of Amherstburg 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”.
- 2.2. In accordance with the *Municipal Act, 2001*, the purpose of this Policy is to:
  - 2.2.1. Set out minimum notice requirements.
  - 2.2.2. Provide a list of the circumstances requiring public notice.
  - 2.2.3. Describe the form and manner in which notice is to be given.
  - 2.2.4. Establish the minimum time for giving notice when required.

### 3. SCOPE

- 3.1. This Policy applies to all Town of Amherstburg staff with respect to the statutory provision of notice to the public of certain actions or decision to be undertaken or made by Town Council or Staff, so as to increase the accountability and transparency of the municipal decision-making process.
- 3.2. The provision of notice standards as contained in this Policy are considered a minimum and may be exceeded by Town Staff at their discretion.
- 3.3. This policy shall be reviewed every five years from the date it becomes effective, and/or at the discretion of the CAO.

#### 4. **DEFINITIONS**

- 4.1. **Accountability** means how Council, Staff, Committees and Local Boards are held to account for their actions.
- 4.2. **Act** means the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended and revised.
- 4.3. **Chief Administrative Officer (CAO)** is the Chief Administrative Officer for the Corporation of the Town of Amherstburg.
- 4.4. **Clerk** means the Municipal Clerk for the Corporation of the Town of Amherstburg.
- 4.5. **Council** refers to the current elected Council for the Corporation of the Town of Amherstburg. This includes, as an entirety, the Mayor, Deputy Mayor and Councillors.
- 4.6. **Director** is the person responsible for direction and operational control of a division as defined on the Town's organizational structure.
- 4.7. **Due Consideration** means giving the utmost thought and regard for cause and effect for all parties involved.
- 4.8. **Form of Notice** may include Notice by Mail, Notice by Newspaper, and Notice by Website or any combination thereof as set out in Schedule "A".
- 4.9. **Manager** reports directly to a Director (or the CAO in some instances) and who is responsible for a department within a division of the Corporation, as defined on the Town's organizational structure.
- 4.10. **Newspaper** means a printed publication in sheet form in general circulation, which is published regularly at intervals of not longer than one (1) week consisting in part of news of current events of general interest and sold or distributed to primarily residents of the Town and whose circulation, in the opinion of the Clerk, provides reasonable means of notification to the general public.

- 4.11. **Notice by Mail** means notification in writing forwarded to participants through Canada Post delivery to the last known address, at the date of sending such notice, of the person(s) being notified.
- 4.12. **Notice by Personal Delivery** means notification in writing delivered by an employee or an agent of the Town to the last known address, at the date of delivering such notice, of the person(s) being notified.
- 4.13. **Notice by Website** means notification posted on the Town's official website at <http://www.amherstburg.ca>.
- 4.14. **Public Meeting** means a meeting held by Council or Committee, to consider general or specific matters that are within the domain and jurisdiction of the Council or Committee for the Town.
- 4.15. **Senior Management Team (SMT)** is comprised of the Chief Administrative Officer and the Directors. If a Director is unavailable, a delegate may be assigned.
- 4.16. **Subject Matter** means the issue, measure, requirement, meeting or other matter or thing in respect of which notice is required to be given.
- 4.17. **Town** is the Corporation of the Town of Amherstburg.
- 4.18. **Treasurer** means the Director of Finance.

## 5. **INTERPRETATIONS**

- 5.1. Any reference to this Policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a By-law or Town policy shall be deemed to be a reference to the most recent passed policy or By-law and any replacements thereto.

## 6. **GENERAL CONDITIONS**

- 6.1. Where the Corporation of the Town of Amherstburg is required to give notice under a provision of the Act, it shall, except as otherwise provided by the Act or a subsequent Regulation, give notice in the form and in the manner and at the times provided in this policy.
- 6.2. The notice will have all of the following attributes:
- 6.2.1. Be in writing.
  - 6.2.2. Describe the Subject Matter under consideration or otherwise involved.
  - 6.2.3. Set out the date, time, and location of any meeting at which the Subject Matter will be considered.

- 6.2.4. Where written submissions may be made by the recipient of a notice, the notice shall contain the name and the title of the Town official to whom the submissions are to be sent, together with the address of the official, and the deadline for receipt of said submissions.
- 6.2.5. Be clearly identified as notice given by the Corporation of the Town of Amherstburg.
- 6.3. Notice will be given in the manner and at the times set forth in the Appendix A which is hereby declared to form part of this Policy.
- 6.4. The provision of notice standards as contained in this Policy are considered adequate, but that greater or more comprehensive notice may be given by Town Staff when deemed necessary.
- 6.5. Except where otherwise provided in this Policy, or in the Act or subsequent Regulation, the following rules will govern notice given pursuant to this Policy:
  - 6.5.1. Notice given by mail will be deemed to have been received on the 5<sup>th</sup> day following the mailing of the notice.
  - 6.5.2. Any person entitled to notice may at any time waive the requirements of notice.
  - 6.5.3. Where a notice does not strictly comply with the provisions of this Policy but would substantially inform a reasonable person of the Subject Matter to which the notice relates, the notice shall be deemed to be adequate and in compliance with this Policy.
  - 6.5.4. Where notice has been given respecting a Subject Matter and the Subject Matter is adjourned or otherwise postponed to a fixed date and the new date is openly announced at the public meeting when the Subject Matter was originally to be considered or otherwise dealt with, it shall not be necessary to give further notice.
  - 6.5.5. Where notice is required to be given to an owner of land, the owner shall be deemed to be the person shown on the last revised assessment roll of the Town, at the address shown on the roll, provided that if the Clerk of the Town has received written notice of a change of ownership, the notice shall be given instead to the new owner at the address set out in the notice.
- 6.6. In the event a matter arises which, in the opinion of the CAO (or designate) 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 Town of Amherstburg, or if a State of Emergency is declared, or if so advised by a Provincial Ministry, the Clerk shall make their best efforts to provide as much prior notice as is reasonable under the circumstances or will provide notice of the action as soon as possible following the action and will present a report to Council for ratification.

## **7. PROCEDURES**

Administration has the authority to establish procedures for implementing this policy and to amend those procedures as required in the best interests of the Town with the concurrence of the CAO, Town Solicitor (if required), and Council.

## **APPENDIX A – NOTICE REQUIREMENTS**

1. In this schedule:
  - 1.1. Notice Method #1 means notice given by ordinary, prepaid mail.
  - 1.2. Notice Method #2 means notice given by prepaid registered mail.
  - 1.3. Notice Method #3 means notice delivered personally to the person to be notified.
  - 1.4. Notice Method #4 means notice published in a newspaper once a week for two (2) or more successive weeks.
  - 1.5. Notice Method #5 means notice published in a newspaper as soon as reasonable possible for one (1) occurrence.
  - 1.6. Notice Method #6 means notice posted on the Town’s website for two (2) or more successive weeks.
  - 1.7. Notice Method #7 means notice posted on the Town’s website as soon as reasonable possible for a minimum of at least one (1) occurrence.
  - 1.8. Notice Method #8 means notice posted on the property affected.
  - 1.9. Notice Method #9 means notice deemed sufficient by the CAO.
  
2. The following Table shall apply to notices given as governed by the *Municipal Act, 2001*.

<b>Item</b>	<b>Section of <i>Municipal Act, 2001</i></b>	<b>Recommended Notice Method</b>
<b>2.1</b>	Section 34 (1) Highway closing procedure	#4 and/or #6
<b>2.2</b>	Section 35 Restricting common law right of passage	#4 and/or #6
<b>2.3</b>	Section 40 (3)(f) Toll highways	#4 and/or #6
<b>2.4</b>	Section 48 Naming private roads	#4 and/or #6
<b>2.5</b>	Section 60 Entry on land, snow fences	Formal notice not required
<b>2.6</b>	Section 61 (1) Entry on land, naming highways	Formal notice not required
<b>2.7</b>	Section 61 (2) Entry on land, naming private roads	Formal notice not required.
<b>2.8</b>	Section 62 (1) Entry on land, tree trimming	Formal notice not required
<b>2.9</b>	Section 62 (2) Entry on land, tree trimming (emergency)	Formal notice not required. If possible, due consideration should be given to landowner to advise of action, prior to undertaking the required works.

<b>Item</b>	<b>Section of <i>Municipal Act, 2001</i></b>	<b>Recommended Notice Method</b>
<b>2.10</b>	Section 81 (3) Shut off of public utility	#1 or #3 or #8
<b>2.11</b>	Section 99 Advertising Devices By-law	#5 or #7
<b>2.12</b>	Section 110 (5) Agreements for Municipal Capital Facilities	Upon the passing of a by-law permitting a municipality to enter into an agreement under this section, the clerk of the municipality shall give written notice of the by-law to the Minister of Education
<b>2.13</b>	Section 110 (8) Agreements for Municipal Capital Facilities (tax exemption by-law)	#1
<b>2.14</b>	Section 151 (1) Powers re: licences	#7
<b>2.15</b>	Section 151 (2) Power to suspend a licence	#1 or #3
<b>2.16</b>	Section 173 (3) Proposal to restructure	#4 (prior to a public meeting)
<b>2.17</b>	Section 187 (1) Change of name	#4 (prior to a public meeting)
<b>2.18</b>	Section 206 Establishing BIA's	#1
<b>2.19</b>	Section 210(1) BIA By-law	#1
<b>2.20</b>	Section 211(1) BIA repealing By-law	#1
<b>2.21</b>	Section 216 (1) Power to dissolve or change local boards	#1
<b>2.22</b>	Section 217 (1) Composition of council of local municipality	#4 (prior to a public meeting)
<b>2.23</b>	Section 222(1) Establishment of Wards	#4 and/or #6
<b>2.24</b>	Section 222(3) Establishment of Wards: By-law passed	#5 and/or #7 (within 15 days)
<b>2.25</b>	Section 238 (2) Procedural By-law	As stated in the Procedural By-law
<b>2.26</b>	Section 290 & 291 Yearly & Multi-Budget: Adopt or Amend	#4 and/or #6
<b>2.27</b>	Section 295 (1) Publication of Financial Statements	#5 and/or #7 (within 60 days)

<b>Item</b>	<b>Section of <i>Municipal Act, 2001</i></b>	<b>Recommended Notice Method</b>
<b>2.28</b>	Section 297(4) Auditors right to access	#1 or #3
<b>2.29</b>	Section 331 (9) Taxes on Eligible Properties	#1 (within 60 days)
<b>2.30</b>	Section 343(1) Tax bill	#1 (at least 21 days before taxes are due)
<b>2.31</b>	Section 348 (2)(3) Determination of tax status	#1
<b>2.32</b>	Section 350 (1) Obligations of tenant: taxes owned	#1
<b>2.33</b>	Section 357 (5) Cancellation, reduction, refund of taxes: meeting	#1 (at least 14 days before meeting)
<b>2.34</b>	Section 357 (6) Cancellation, reduction, refund of taxes: decision	#1 (within 14 days of decision)
<b>2.35</b>	Section 358 (9) Overcharges caused by a gross or manifest error: meeting	#1 (at least 14 days before meeting)
<b>2.36</b>	Section 358 (10) Overcharges caused by a gross or manifest error: decision	#1 (within 14 days of decision)
<b>2.37</b>	Section 359 (2)(b) Increase of taxes resulting of any undercharged cause by gross or manifest error: meeting	#1 (at least 14 days before meeting)
<b>2.38</b>	Section 359 (3) Increase of taxes resulting of any undercharged cause by gross or manifest error: decision	#1 (within 14 days of decision)
<b>2.39</b>	Section 374 (1) Notice of registration of tax arrears certificate	#1 (within 60 days)
<b>2.40</b>	Section 379 (1) Public sale: tax arrears certificate	#1
<b>2.41</b>	Section 379 (5)(b) Conduct of sale: notice of vesting	#4 and/or #6
<b>2.42</b>	Section 380 (3) Payment into court: proceed of sale	#1 (within 60 days)
<b>2.43</b>	Section 386.2 (1) Tax sales: entering to carry out inspection without warrant	#2 or #3 (7 days before inspection)
<b>2.44</b>	Section 391 (1) By-laws re: fees and charges	Notice is provided through the posting of the council or committee agenda on the Town's website.



<b>Item</b>	<b>Section of <i>Municipal Act, 2001</i></b>	<b>Recommended Notice Method</b>
<b>2.45</b>	Section 400 (f) Regulations local improvement charges: priority lien status	#1 or #3
<b>2.46</b>	Section 402 (1) Notice of debt	As directed by the Ontario Municipal Board
<b>2.47</b>	Section 435 (2) Conditions governing powers of entry	#1 or #3 or #8
<b>2.48</b>	Section 441 (2) Collection of unpaid licensing fines	#1

3. The following Table shall apply to public notices that may be given, but are not governed by the *Municipal Act, 2001*.

<b>Item</b>	<b>Public Notices</b>	<b>Recommended Notice Method</b>
<b>3.1</b>	Sale of Town Owned Surplus Land	As stated in the Disposition of Surplus Town Property Policy