

**THE CORPORATION OF THE TOWN OF GREATER NAPANEE  
BY-LAW NO. 2019-0038**

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**Being a by-law to establish a policy with respect to the circumstances in which notice to the public shall be provided and the form, manner and times notice shall be given**

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**WHEREAS** Section 270 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, (“the Municipal Act”) states that a municipality shall adopt and maintain a policy with respect to the circumstances in which notice shall be given to the public and, if notice is to be provided, the form, manner and times notice shall be given;

**AND WHEREAS** in recognition of the emphasis placed on transparency and accountability measures within the Municipal Act, the Town of Greater Napanee believes citizens should be aware of what, when and where the business of the municipality is being discussed, whether it will have an impact on them and adequate time is provided for citizens to make submissions;

**AND WHEREAS** on December 17, 2007 Council adopted By-law No. 07-58, being a by-law to establish the circumstances in which notice to public shall be provided and the form, manner and times notice shall be given;

**AND WHEREAS** Council deems it expedient to update the Town’s notice provisions;

**NOW THEREFORE** the Council of The Corporation of the Town of Greater Napanee hereby enacts as follow:

**1. Short Title**

This by-law may be cited as the "Public Notice Policy By-law".

**2. Definitions**

a) As used in this by-law, the following terms shall have the meanings indicated:

**"Clerk"** shall mean the person within the municipality's administration who fulfils the function of the Municipal Clerk as required by the Municipal Act, or his or her delegate.

**"Communications Staff"** shall mean the person(s) within the municipality who fulfils the functions of producing and/or coordinating effective communications on behalf of the municipality.

**"Council"** shall mean the Council of The Corporation of the Town of Greater Napanee.

**"Municipality"** or **"Town"** shall mean The Corporation of the Town of Greater Napanee.

**"Municipal Act"** shall mean the Municipal Act, 2001, S.O. 2001, c.25, as amended and includes all regulations made under it.

**"Newspaper"** shall mean printed publications that are regularly distributed within the Town, including, but not limited to, the Napanee Beaver and the Napanee Guide.

**"Notice to the Public"** or **"Public Notice"** shall mean notice given to the public but does not include notice given to specified persons.

**"Public Engagement"** shall mean various methods of public interaction, including but not limited to, public meetings, open houses, focus groups, radio, television, PowerPoint slideshows, videos and surveys.

**"Town's website"** shall mean the official Town of Greater Napanee website - [www.greatemapanee.com](http://www.greatemapanee.com).

**"Social Media"** shall mean the official social media pages of the Town of Greater Napanee including, but not limited to, Facebook, Twitter, YouTube and Instagram.

### **3. Application and Provisions**

- a) Where the Town is required under a provision of any act or regulation, or where the Town has deemed it expedient in certain circumstances, to give notice to the public, the notice shall be given in a form and manner and at the times indicated in this by-law unless:
  - (i) the applicable act or regulation prescribes or permits otherwise;
  - (ii) the requirements for notice are prescribed in another by-law or resolution; or
  - (iii) Council directs by resolution that other public notice is to be given that Council considers adequate to give reasonable notice in the circumstances.
- b) Requirements of notice contained in this by-law are minimum requirements, and the Communications Staff is authorized to give notice to the public in an extended manner if, in the opinion of the Communications Staff, the extended manner is reasonable and necessary in the circumstances.

- c) Where there is a conflict between this by-law and a provision of any act or of another by-law, the provisions providing for the greatest notice shall apply.
- d) Where a notice does not strictly comply with the provisions hereof 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 by-law.
- e) Where a notice is required under any act but is not provided for specifically in this by-law, 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 by-law.
- f) This by-law does not apply to notices that are otherwise provided for in a procedural by-law passed pursuant to Section 238 of the Municipal Act.

#### **4. Notice Under Prescribed Circumstances**

- a) In addition to any requirement for notice prescribed by any Act or Regulation, notice to the public shall be given in the following circumstances:
  - i. For permanently closing or altering a highway or designating a highway as a controlled-access highway;
  - ii. Naming or changing the name of a highway or a private road;
  - iii. Changing the Town's name;
  - iv. Changing the composition of Council;
  - v. Sale of land;
  - vi. Setting or amending service fees or charges;
  - vii. Adopting or amending a procedural by-law;
  - viii. Adopting or amending a licensing by-law;
  - ix. Adopting a budget or budget amendments, except where a proposed budget amendment does not affect the tax supported net levy or property tax rates, then in such case adequate notice is given to the public by the schedule of Council meetings as posted on the Town's web site and in the newspaper.

## **5. Content of Notice**

- a) A notice given under this by-law need not be in any particular form, but shall contain the following information:
  - i. the title or brief description and date of the proposed municipal action;
  - ii. where the notice pertains to a meeting, the date, time and location of the meeting;
  - iii. where the matter relates to a defined location, sufficient particulars of the location such as reference to a municipal address or street intersection, or to a legal description or key map; and
  - iv. the name and address or contact information of the person who will receive written comments or can provide additional information or answer questions on the matter of the notice, and the deadline for receiving comments if applicable.
- b) Notices given under this by-law may deal with specific proposed municipal actions or may be multiple notices in respect of multiple proposed municipal actions and may be contained within a single document or as part of other documents, reports or notices.

## **6. Primary Method of Notice**

- a) The notice shall be posted on the Town's website for at least the two-week period immediately preceding the meeting at which the matter will be first considered, and an opportunity is provided for members of the public to speak to the matter. A notice is sufficient even if there are times during the two-week period when the Town's website is not accessible. A public notice, utilizing the municipal website, shall be sufficient even if the Town of Greater Napanee website is not accessible at all times during the public notice posting period. All public notices will appear on a dedicated landing page ('News & Notices' page) as well as on the online Municipal Calendar available on the Town's website.
- b) The notice shall be posted on the Town's social media platforms and, when possible, have a link included in the post referring to the Town's website for more information. When possible, social media posts will include an image of the notice that will help readers understand the message being presented.
- c) The notice shall be published once in a newspaper of general circulation in the Town at least two (2) weeks before the meeting at which the matter will be first considered, and an opportunity is provided for members of the public to speak to the matter.

- d) The subject matter of the notice shall be listed and identified on a Council agenda if required.

**7. Additional Notice**

- a) Based upon the discretion of the Clerk and/or Communications Staff, additional platforms may be used to broadcast public notices, if applicable. These platforms include, but are not limited to, any Public Engagement method as defined in this By-law
- b) If the matter is deferred at the open meeting of which notice has been given, no additional notice is required, except where an act or by-law provides, or Council directs otherwise.
- c) If the matter is considered at a subsequent open meeting, no additional notice is required, except where an act or by-law provides, or Council directs otherwise.

**8. Emergency Provision**

- a) If a matter arises, which in the opinion of the Chief Administrative Officer, 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, or if a Declaration of Emergency is made, or is so advised by a Provincial Ministry, the notice requirements of this by-law may be suspended and best efforts will be made to provide as much notice as is reasonable under the circumstances.

**9. Repeal of Existing By-law**

- a) That By-law No. 07-58 is hereby repealed.

**10. Effective Date**

This by-law shall come into force and take effect on the date of final passing.

Read a first and second time and finally passed this 28<sup>th</sup> day of May, 2019.

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Marg Isbester, Mayor

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Susan Beckel, Clerk