

# MUNICIPALITY OF NORTH PERTH

## By-law 88-2017

Being a By-law to establish a policy for Notice to the Public, as required under subsection 270(1) of the *Municipal Act, 2001*.

**WHEREAS** subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

**AND WHEREAS** section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

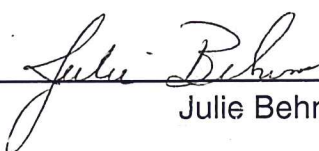
**AND WHEREAS** subsection 270(1) of the *Municipal Act, 2001* requires that a municipality adopt and maintain policies with respect to the manner in which the municipality shall provide notice to the public and the form, manner and times notice shall be given;

**NOW THEREFORE** the Municipal Council of the Municipality of North Perth **ENACTS AS FOLLOWS:**

1. The Notice to the Public Policy attached as Schedule 'A' to this By-law.
2. By-law 153-2007 is hereby repealed.
3. This By-law shall come into force and effect on the day of its passing.
4. The short title of this By-law is "Notice to the Public Policy By-law".

**READ A FIRST AND SECOND TIME** this 19<sup>th</sup> day of June, 2017.

**READ A THIRD TIME AND FINALLY PASSED** this 19<sup>th</sup> day of June, 2017.

  
\_\_\_\_\_  
Julie Behrns, Mayor

  
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Patricia Berfelz, Clerk

<b>Section:</b> Corporate	<b>Policy Number:</b> 2-CO-2017
<b>Sub-section:</b> Legislative Policies	<b>Effective Date:</b> June 20th, 2017
<b>Subject:</b> Accountability and Transparency Policy	<b>Revision Date:</b>

## Municipality of North Perth

### Clerk's Department

## Notice to the Public Policy

### Purpose:

This policy provides guidance with respect to the circumstances in which the Municipality shall provide notice to the public and the form, manner and times notice shall be given.

### Policy Statement:

The Municipality of North Perth promotes accountability and transparency through the establishment of a notice policy that promotes public participation in the local democratic process.

### Definitions:

"Act" means the *Municipal Act, 2001*, as amended;

"Legislative Powers" includes all matters where Council acts in a legislative or quasi-judicial function including enacting by-laws, setting policies and exercising decision-making authority;

"Meeting" has the same meaning as defined in the *Municipal Act, 2001*;

"Municipality" means the Municipality of North Perth;

"Newspaper" shall mean a document that:

- (a) Is printed in sheet form, published at regular intervals of a week or less and is available through general circulation; and
- (b) Consists primarily of news of current events of general interest

"Notice" means an announcement containing information about a future event;

"Website" means the Municipality of North Perth official website at [www.northperth.ca](http://www.northperth.ca)

### Application:

This policy is required by section 270 of the *Municipal Act, 2001*, and applies to all operations for the Municipality of Perth.



<b>Section:</b>	<b>Policy Number:</b>
<b>Sub-section:</b>	<b>Effective Date: June 20th, 2017</b>
<b>Subject: Accountability and Transparency Policy</b>	<b>Revision Date:</b>

1. Notice to the public shall be provided in the circumstances and in the form, manner, and times as follows:
  - i. All circumstances set out and in the form, manner, and times as set out in Appendix "A", attached;
  - ii. If required by any Act or Regulation, in the form, manner, and times as prescribed by the Act or Regulation;
  - iii. If required by another by-law, in the form, manner and times as set out in the said by-law;
  - iv. If directed by Council, in the form, manner and times as specified by Council; or
  - v. In circumstances where, in the opinion of the Clerk, notice is reasonable and necessary, in the form, manner and times as determined by the Clerk.

No additional notice shall be required for subsequent meetings where a matter has been deferred or referred to a subsequent meeting by the Council or a Committee of Council.

The notice requirements under this Policy are a minimum requirement and the Clerk may give notice in an extended manner if, in the opinion of the Clerk, the extended manner is reasonable and necessary in the circumstances.

Where any of the form, manner or times of notice are not specified in Appendix "A", an Act, Regulation or by-law, or where Council directs that notice be given, or the Clerk determines that notice be given, the form, manner or times of the public notice shall be determined by the Clerk.

The following legislation and policies provide Notice Provisions:

- Municipal Act, 2001
- Procedure By-law
- Accessibility Policies
- Planning Act
- Drainage Act
- Taxation Act
- Public Libraries Act
- Cemeteries Act

<b>Section:</b>	<b>Policy Number:</b>
<b>Sub-section:</b>	<b>Effective Date: June 20th, 2017</b>
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### Policy Requirements:

Council supports accessible public notice for municipal matters which may not otherwise be prescribed to encourage public participation and ensure that the public has the opportunity to make submissions, attend and/or request to appear as a delegate before Council and/or Committees of Council. Notice provisions for such matters shall provide clear details related to the matter for which notice is being given.

Nothing in this policy shall prevent the Municipality from exceeding the notice provisions as set out in this policy.

### Responsibilities:

Municipality of North Perth staff are responsible for adhering to the parameters of this policy and for ensuring the appropriate notice is provided to the public.

### Monitoring:

The Chief Administrative Officer for the Municipality of North Perth shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of such complaint and/or concern, the Chief Administrative Officer shall notify Council.

### Legislative and Administrative Authorities:

Section 270 of the *Municipal Act, 2001*, requires that the Municipality adopt and maintain a policy 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.

### Inquiries

Clerk

Municipality of North Perth

Telephone: 519-292-2062

### Policy Communication:

This Notice to the Public Policy will be endorsed by the Council of the Municipality of North Perth and posted on the North Perth Website and Workplace Information Network

### REVISION HISTORY

Revision	Date (DD/MM/YYYY)	By-Law/Resolution	Comments
1	15/05/2017		Issue Date



Appendix "A" Public Notice Requirements Table

PUBLIC NOTICE REQUIREMENTS TABLE		
Circumstances	Summary	Form, Manner and Times
<p><b>BUDGET</b>                      (Section 289, <i>Municipal Act, 2001</i>)                      Adoption of Annual Operating and Capital Budgets of the Municipality</p>	<p>Public notice of intent to adopt the budget.</p>	<p>Notice of intent to adopt the budget shall be posted on the Municipal website at least fourteen (14) days in advance of the Council meeting at which the budget will be considered for adoption.</p>
<p><b>SCHEDULE OF MEETINGS – REGULAR AND SPECIAL</b>                      (Section 238 (2)(2.1), <i>Municipal Act, 2001</i>)</p> <p>(Section 240, <i>Municipal Act, 2001</i>)</p>	<p>Public notice to advise of the annual schedule of regular meetings of Council and Committees.</p> <p>Public notice to advise of special or emergency meetings of Council.</p>	<p>Notice of the annual schedule of regular meetings of Council and Committees shall be in accordance with the procedure by-law, and shall be posted on the Municipal website.</p> <p>Notice of any special or emergency meetings of Council outside of the annual schedule of regular meetings shall be in accordance with the procedure by-law, and shall be posted on the Municipal website.</p>
<p><b>FEEES OR CHARGES BY-LAW</b>                      (Section 391, 400(f), <i>Municipal Act, 2001</i>)</p>	<p>Public notice to advise of a Council meeting to consider the enactment of a fee or charge by-law</p>	<p>Notice is given to the Public through posting the meeting schedule and agendas on the Municipal Website</p>

PUBLIC NOTICE REQUIREMENTS TABLE

Circumstances	Summary	Form, Manner and Times
<p>PROPOSAL TO RESTRUCTURE THE MUNICIPALITY (Section 173, <i>Municipal Act, 2001</i>)</p>	<p>Public Notice to advise of the holding of a public meeting prior to Council voting on whether to support or oppose a restructuring proposal.</p>	<p>Notice to advise of a public meeting to consider a restructuring proposal shall be posted on the Municipal website and shall also be published once in a newspaper of general circulation in the Municipality of North Perth at least fourteen (14) days in advance of the public meeting to consult with the public on the restructuring proposal. And otherwise as prescribed by the Minister</p>
<p>CHANGE OF NAME OF THE MUNICIPALITY (Section 187, <i>Municipal Act, 2001</i>)</p>	<p>Public notice to advise of the holding of a meeting to consider the enactment of a by-law to change the name of the municipality.</p>	<p>Notice to advise of a public meeting to consider the enactment of a by-law to change the municipality's name shall be posted on the Municipal website and shall also be published once in a newspaper of general circulation in the Municipality of North Perth at least fourteen (14) days in advance of the public meeting where the matter is to be considered.</p>



PUBLIC NOTICE REQUIREMENTS TABLE

Circumstances	Summary	Form, Manner and Times
<p>DISSOLUTION OR CHANGE TO LOCAL BOARD (Section 216, <i>Municipal Act, 2001</i>)</p>	<p>Notice to a local board to advise of a Council meeting to consider a by-law to dissolve or change the local board.</p>	<p>A notice sent by regular mail to be mailed to the local board at least fourteen (14) days prior to the Council meeting at which the matter is to be considered.</p>
<p>CHANGES TO THE COMPOSITION OF COUNCIL (Section 218 and 219 (1) <i>Municipal Act, 2001</i>)</p>	<p>Public Notice to advise of the holding of a public meeting prior to Council voting on potential changes to the composition of Council.</p>	<p>Notice to advise of a public meeting to consider potential changes to Council composition shall be posted on the Municipal website and shall also be published once in a newspaper of general circulation in the Municipality of North Perth at least fourteen (14) days in advance of the public meeting to consult with the public on the restructuring proposal.</p>
<p>NEW PROCEDURE BY-LAW (Section 238, <i>Municipal Act, 2001</i>)</p>	<p>Public Notice to advise of a Council meeting to consider enactment of a new Procedure By-law.</p>	<p>Notice is given to the Public by the inclusion of a by-law on a Council agenda, which is posted on the Municipal Website.</p>

PUBLIC NOTICE REQUIREMENTS TABLE

Circumstances	Summary	Form, Manner and Times
<p>PERMANENT HIGHWAY CLOSURE OR PERMANENT ALTERATION – ACCESS DENIED TO ANY PROPERTY</p>	<p>Public notice to advise of a Council meeting to consider the enactment of a by-law to close or permanently alter a highway.</p> <p>Notice to affected property owners to advise of a Council meeting to consider the enactment of a by-law to close or permanently alter a highway.</p>	<p>Notice to advise of a public meeting to consider the enactment of a by-law to close or permanently alter a highway shall be posted on the Municipal website and shall also be published once in a newspaper of general circulation in the Municipality of North Perth at least fourteen (14) days in advance of the Council meeting at which the by-law is to be considered.</p> <p>One notice sent by registered mail, mailed to the last known address of the affected property owner(s), at least fourteen (14) days before the Council meeting at which the by-law is to be considered.</p>



PUBLIC NOTICE REQUIREMENTS TABLE

Circumstances	Summary	Form, Manner and Times
<p>PLANNED PROGRAM DISRUPTION OR PLANNED LIFECYCLE RENEWAL/REPLACEMENT THAT REQUIRE THE CANCELLATION OF EVENT(S) OR PROGRAM(S) OR TEMPORARY CLOSURES OF MORE THAN ONE DAY</p>	<p>Public notice to advise of the commencement of construction and/or temporary closure of space.</p>	<p>Notice to advise the public of the commencement of construction and/or temporary closure of space shall include signage onsite a minimum of seven (7) days prior to the commencement of work, and information about the nature of the work, the estimated timing of construction and contact information shall be posted on the Municipal website.</p>
<p>TEMPORARY PROGRAM DISRUPTION OR SERVICE DISRUPTION</p>	<p>Public notice to advise of temporary program disruption or service disruption.</p>	<p>Notice to advise the public of a temporary program or service disruption shall include postings in conspicuous places at the affected premises, other Municipality facilities, and the Municipal website, as per the Corporate Accessibility Policy.</p>

