



Policy #15

Notice Policy and Procedure

Approved by Council on: February 13, 2008

Amended on November 28, 2012

Approved by By-law 73-2012 December 19, 2012

Policy Statement

The Corporation of the Township of Southgate is interested and committed to ensuring an accountable and transparent corporation.

Purpose

Accountability, transparency and openness are standards of good government that enhance public trust. The Township of Southgate is committed to accountable and transparent governance through the provision of notice thereby enabling citizens to be aware of the business of the municipality. The purpose of this policy is to establish standards for the giving of reasonable notice to the public.

Scope

This policy shall apply to all members of Council and staff of the Corporation of the Township of Southgate.

Guidelines

The Municipal Act, 2001, as amended by Bill 130, Section 270 (1) 4 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".

The requirement to give reasonable notice to the public shall be deemed to be fulfilled upon completion of the actions specified in this policy.

The manner and form of notice specified in this policy shall be deemed minimum requirements.

Notwithstanding the notice requirements dictated in this Policy, where the giving of notice to the public is required by legislation, Council may provide additional notice, reduce or amend such requirements upon passage of a resolution at a duly called meeting of Council, provided the motion dictates an alternate method of giving notice deemed to be in a form and manner adequate to the circumstances. Where the giving of notice to the public is not required by legislation, Council may waive the Notice requirements dictated in the Policy by passage of a resolution at a duly called meeting of Council.

Definitions

"Act" means the Municipal Act, 2001, S.O. 2001, c25

"Day" means calendar day

"Planning Act" means the Planning Act, R.S.O. 1990, c.P.13

"Posted" means electronically publishing the notice on the Township of Southgate web site.

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"Web site" means the Township of Southgate web site www.southgate.ca

"Written" means correspondence mailed or emailed to specific individual(s) and/or organization(s)

Provision of Notice

Where notice is required, including notice of intention to pass a by-law or notice of a public meeting is required to be given; the notice shall be given pursuant to Schedule "A" as attached.

The provision of notice may also be in the form of direct delivery, including hand delivery, direct mail, facsimile or email; posting on web site; newspapers; location signs; radio and/or television (i.e. media releases).

Time of Notice

Where notice of intention to pass a by-law or notice of a public meeting is required to be given, such notice shall be provided in the time frame prescribed in the Act or its regulations and if it is not prescribed, notice shall be given pursuant to Schedule "A" as attached. Notices required under the Planning Act shall be in accordance with the time frames set out in the Planning Act.

General

Where separate by-laws and/or policies have been enacted in accordance with the provisions contained in the Act, the notice provisions set out in such by-laws and policies shall prevail.

No notice shall be required under the Notice Policy and Procedure where provision of notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a closed meeting under Section 239 of the Act.

Application

Where newspapers are utilized to provide notice the Clerk shall determine the most appropriate newspaper(s) to use in a particular notice. The decision shall be based on the citizens affected by particular subject matter. Southgate's Planner shall determine the most appropriate newspaper(s) for providing notice under the Planning Act.

Where public notice is desired but not legislated through this procedure or other legislative means, the notice undertaken by the Township of Southgate should reflect the magnitude and complexity of the issue/initiative and the desired goal or outcome.

Emergency Provision

This policy applies except where the Mayor, in consultation with the Chief Administrative Officer (CAO), determines that notice should be waived due to emergency, urgency or time sensitivity situations or situations which could affect the health and well being of the residents of the Township of Southgate. Council shall be informed by email if an exemption is applied.

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Responsibility

It is the responsibility of the appropriate Manager in conjunction with the Clerk to ensure notice requirements applicable to their department are met.

Updating Policy and Procedure

The Clerk is hereby authorized to update this policy with changes to by-law and policy/procedure references for those by-laws and policies listed in this policy. Any additions or deletions to the policy shall be endorsed by Council.

Schedule

Schedule "A", as attached, forms part of this policy.

In the event that Schedule "A" does not include all instances where the Township of Southgate is required to provide notice and where the provision of notice and term of notice is not identified in the Act or its regulations, the following shall apply:

Provision of Notice: Post on Southgate's web site

Term of Notice: 14 days prior to passing the by-law and 21 days prior to holding a public meeting

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Subject	Public Meeting Requirement	Provision and Time of Notice
Transportation Services		
Permanent Closure of Highway	n/a	post on web site 2 days prior to meeting, public notice of intent to pass by-law in newspaper once 14 days prior to enactment of by-law
Temporary Closure of Highway for Construction	n/a	update web site as necessary, signage posted as soon as practical
Changing Name of Highway	n/a	post on web site 2 days prior to meeting, signage posted as soon as practical, public notice of intent to pass by-law in newspaper once 14 days prior to enactment of by-law
Naming or Changing the Name of Private Roads	n/a	post on web site 2 days prior to meeting, signage posted as soon as practical, public notice of intent to pass by-law in newspaper once 14 days prior to enactment of by-law
Governance		
Proposal to Restructure	Yes	post on web site 2 days prior to meeting, media release as soon as practical, notice of public meeting in newspaper once 21 days prior
Change of Name	Yes Public Notice of intent to pass by-law	post on web site 2 days prior to meeting, notice of public meeting in newspaper 21 days prior, media release as soon as practical, copy of by-law to the Director of Titles appointed under the <i>Land Titles Act</i> and to the Minister promptly after its passage
Dissolution of Local Boards	n/a	post on web site 2 days prior to meeting, public notice of intent to pass by-law in newspaper once 14 days prior to enactment of by-law, mail notice to Board Secretary
Composition of Council	Yes	post on web site 2 days prior to meeting, notice of public meeting in newspaper once 21 days prior, media release as soon as practical

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Establishment of Wards	n/a	post on web site 2 days prior to meeting, public notice of intent to pass by-law in newspaper once 14 days prior to enactment of by-law, media release as soon as practical
Procedural By-law	n/a	post on web site 2 days prior to meeting, public notice of intent to pass by-law in newspaper once 14 days prior to enactment of by-law
Financial		
Adopt or Amend a Budget	n/a	post on web site 2 days prior to meeting, public notice of intent to pass by-law in newspaper once 14 days prior to enactment of by-law
Financial Statements	n/a	post on web site, as prescribed by the Act
Planning		
Notice Requirements under the Planning Act where Southgate is the approval authority	Yes	newspaper (as required), written, as prescribed by the Planning Act