



BY-LAW

NO. 2024 –

**Being a By-law to Adopt a Notice to the Public Policy for
The Corporation of the Municipality of Kincardine**

Whereas pursuant to the said Municipal Act, Sections 8 and 9 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 Section 270 (1) of the Municipal Act 2001, S.O. 2001, c. 25, as amended, requires a municipality to adopt and maintain a policy with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public; and

Whereas Council passed By-law 2008 – 126 on July 9, 2008 and 2020 – 040 on March 9th, 2020 to establish notice provisions for the Municipality; and

Whereas the Council of the Corporation of the Municipality of Kincardine desires to adopt a new Notice to the Public Notice Policy; now therefore be it

Resolved that the Council of The Corporation of the Municipality of Kincardine **Enacts** as follows:

1. That the Public Notice Policy for The Municipality of Kincardine, attached hereto as Schedule 'A' and forming part of this By-law be adopted.
2. That this By-law shall come into full force and effect upon its final passing.
3. That Notice Provisions for the Municipality of Kincardine passed by By-laws 2008 – 126 and 2020 - 040 and all other Policies passed by By-law or Motion inconsistent with this By-law, be repealed.
4. That By-law may be cited as the "Public Notice Policy By-law".

Read a First and Second Time this 6th day of March, 2024.

Read a Third Time and Finally Passed this 6th day of March, 2024.

Mayor

Clerk

Policy No.: ADMIN.04

Section: Your Government and People

Policy Title: Public Notice Policy

Adopted Date: March 6, 2024

By-law No.: 2024 -

Revision Date:

1. Purpose

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

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.

2. Scope/Application

The Public Notice Policy provides the framework for circumstances in which the Municipality provides notice to the public and the form, manner, and times notice shall be given.

The Municipality shall adhere to statutory notice to the public required by any legislation.

The Municipality shall adhere to notice requirements established by municipal policies and by-laws, unless Council directs other forms of notice that Council considers adequate for specific matters.

This policy does not apply to public relations materials including advertising, posters, brochures, or event program advertisements.

3. Definitions

Chief Administrative Officer shall mean the Chief Administrative Officer of The Corporation of the Municipality of Kincardine;

Clerk shall mean the Municipal Clerk of The Corporation of the Municipality of Kincardine;

Council shall mean the Council of the Municipality of Kincardine;

Legislation shall include acts or statutes, orders, and regulations;

Meeting shall have the same meaning as defined in the *Municipal Act, 2001*;

Municipality shall mean The Corporation of the Municipality of Kincardine;

Notice shall mean an announcement containing information about a future event;

Website shall mean the Municipality of Kincardine's official website at www.kincardine.ca

4. Responsibility

It is the responsibility of the appropriate Department Head in conjunction with the Clerk to ensure notice requirements applicable to their department are met. The Clerk for the Municipality shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of such complaint and/or concern the Clerk shall follow the Citizen Complaint Policy.

5. Procedure/ Policy

5.1. Notice to the public shall be provided in the circumstances and in the form, manner, and times as follows:

- (a) All circumstances set out and, in the form, manner, and times as set out in Appendix "A", attached;

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- (b) If required by any legislation, in the form, manner, and times as prescribed by the legislation;
 - (c) If required by another by-law, in the form, manner, and times as set out in said by-law;
 - (d) If directed by Council, in the form, manner, and times as specified by Council; or
 - (e) In the circumstances where, in the opinion of the Clerk, notice is reasonable and necessary, in the form, manner, and times as determined by the Clerk.
- 5.2.** 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 the Council unless additional notice is required by legislation.
- 5.3.** The notice requirements under this policy are 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.
- 5.4.** Where any of the form, manner, or times of notice are not specified in Appendix "A", legislation, or by-law, or where Council directs that notice be given, or the Clerk determines that notice shall be given, the form, manner, and times of the public notice shall be determined by the Clerk.
- 5.5.** If a matter arises, which in the opinion of the Chief Administrative Officer, in consultation with the Mayor, that could affect the health or well-being of the residents of the Municipality, or if a State of Emergency is declared, or if so advised by a provincial ministry, the notice requirements of this by-law may be waived and the Clerk shall make every effort to provide as much notice as is reasonable.
- 5.6. Notice of Council and Committee Meetings**
- 5.6.1.** Notice for Council and Committee of Council meetings shall be given as per the Municipality of Kincardine Procedural By-law.
- 5.7. Accessibility**
- 5.7.1.** 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.
- 5.7.2.** Under the Customer Service Standard of the Accessibility for Ontarians with Disabilities Act (AODA), service providers must notify customers about temporary service disruptions. Temporary service disruptions happen when services that customers with disabilities might rely on are temporarily unavailable. Notice will be as per the Municipality's Accessibility Standard for Customer Service Policy.
- 5.8. Limitations**
- 5.8.1.** Nothing in the policy shall prevent the Municipality from exceeding the notice provisions as set out in this policy.
- 6. Related Policies**
- This Policy is to be used in conjunction with the following Municipality of Kincardine policies, including but not limited to:
- Municipality of Kincardine Procedural By-law
 - Accessibility Standards for Customer Service Policy
 - Budget Policy
 - Sale and Disposition of Land Policy
 - Accountability and Transparency Policy

7. Related Legislation

Municipal Act, 2001

Appendix A to ADMIN.04 Notice to the Public Policy

Form, Manner of Notice

Unless otherwise prescribed, notice to the public given under this section shall contain the following information:

- a) A general description of the matter;
- b) The relevant section of the *Municipal Act, 2001* and/or regulations, if applicable;
- c) The date, time and place of the meeting at which the matter will be considered; if applicable
- d) Where the matter relates to specific lands, sufficient information regarding the location such as the municipal address, legal description or map;
- e) Contact information and deadlines for submitting written comments or registering as a delegation;
- f) Contact information for obtaining more information or clarification on the matter; and,
- g) Contact information for obtaining the notice in an accessible manner

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PUBLIC NOTICE REQUIREMENTS		
Municipal Act Section	Action	Form, Manner and Times Notice to Be Given
11	Changing the name of a highway	Notice to be posted on the website 14 days prior to the Council meeting at which the matter will be considered and an opportunity is provided for members of the public to speak to or submit correspondence regarding the matter.
34 (1)	Permanently closing a highway – access denied to any property	One notice sent by registered mail to the last known address of the affected property owner(s), a minimum of 14 days before the Council meeting to consider the enactment of a bylaw to close or permanently alter a highway when such closure or permanent alteration would deny access to a property. Notice to be posted on the website 14 days prior to the Council meeting at which the matter will be considered and an opportunity is provided for members of the public to speak to or submit correspondence regarding the matter.
40	Establishing Toll Highways	Notice to be posted on website 14 days prior to the meeting at which the matter is being considered.
48	Changing the name of a private road	Mail Notice of Intent to all persons who abut the affected private road prior to passing of bylaw. Notice to be posted on the website 14 days prior to the Council meeting at which the matter will be considered and an opportunity is provided for members of the public to speak to or submit correspondence regarding the matter.
133	Passing or amending a by-law concerning the fortification of land	Notice to be posted on website 14 days prior to the meeting at which the matter is being considered.
150	Passing or amending a licensing by-law	Notice to be posted on the website 14 days prior to the Council meeting at which the matter will be considered and an opportunity is provided for members of the public to speak to or submit correspondence regarding the matter.
150	Passing or amending a by-law requiring the registry of businesses	Notice to be posted on the website 14 days prior to the Council meeting at which the matter will be considered and an opportunity is provided for members of the public to speak to or submit correspondence regarding the matter.

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187	Passing or amending a by-law to change the name of the municipality	Notice to be posted on the website 14 days prior to the Council meeting at which the matter will be considered and an opportunity is provided for members of the public to speak to or submit correspondence regarding the matter.
217	Passing or amending a by-law to change the composition of council	Notice to be posted on the website 14 days prior to the Council meeting at which the matter will be considered and an opportunity is provided for members of the public to speak to or submit correspondence regarding the matter.
290	Adopting all or part of a budget	Notice to be posted on the website in accordance with the provisions of the Municipality's Procedure By-law and as per timing established in the Budget Policy.
391	Passing or amending a by-law establishing a fee or charge	Notice to be posted on the website in accordance with the provisions of the Municipality's Procedure By-law.