
TO: GENERAL COMMITTEE

SUBJECT: PUBLIC NOTICE BY-LAW UPDATE

WARD: ALL

PREPARED BY AND KEY CONTACT: W. COOKE, DEPUTY CITY CLERK, EXT. 4560

SUBMITTED BY: D. MCALPINE, CITY CLERK / DIRECTOR OF LEGISLATIVE AND COURT SERVICES

GENERAL MANAGER APPROVAL: P. ELLIOTT-SPENCER, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES

CHIEF ADMINISTRATIVE OFFICER APPROVAL: C. LADD, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That the draft by-law to provide for general notice provisions as required under the *Municipal Act*, 2001, attached as Appendix "A" to Staff Report LCS004-17, be adopted and By-law 2003-116 be repealed.

PURPOSE & BACKGROUND

2. Section 270 of the *Municipal Act*, 2001 (*Municipal Act*) requires municipalities to adopt various policies. One of the required policies relates to the provision of public notice for matters identified in the *Municipal Act*.
3. In 2003, City Council adopted a Notice By-law to notify the public regarding certain actions by The Corporation of the City of Barrie. By-law 2003-116 was based on the sections of the *Municipal Act* where a requirement for notice was specifically prescribed, at the time. It outlines the form, manner and timing of notice provisions.
4. The notice provisions included in the policy are founded on the following principles:
 - a) Constituents and interested parties should be made aware of when and where City of Barrie business is being conducted and whether matters under consideration may have an impact on them; and
 - b) Constituents shall be afforded adequate opportunity to participate in decision making by making informed submissions to City Council.

ANALYSIS

5. The proposed notice by-law is intended to address only those matters where the City of Barrie is required to give notice to the public under a provision of the *Municipal Act* as well as the form, manner and timing of the notice (unless notice is otherwise specifically prescribed in the *Municipal Act* or another Act, regulation or by-law). A notice by-law is not intended to replace community engagement initiatives and the form, manner and timing of notice may be exceeded at any time.

6. Upon a review of the *Municipal Act*, it was determined that notice provisions for matters such as business licensing and matters respecting advertising devices, including signs have been removed from the *Act*. As a result, the following matters that previously required notice pursuant to the *Municipal Act* have been removed from the proposed by-law.
- Advertising Devices (Sign By-law);
 - Power of Entry - order repair;
 - By-law compliance order;
 - General Licensing – special case;
 - Reciprocal Licensing Arrangement;
 - Registry of Business – special case;
 - Dissolution of Local Boards Restriction;
 - Procedure By-law – Notice;
 - Notice not otherwise specified;
 - Sale of Land Procedures;
 - Adopt or Amend Budget; and
 - Fees and Charges – Conditions, re: waste, water, permits for police or fire purposes and general notice.
7. The manner and form of notice dictated in this by-law would be the minimum requirements. Additional methods of giving notice may be undertaken at the discretion of the appropriate City staff.
8. The agendas for Committees and Council would continue to provide notice of upcoming matters to be considered and decisions to be made by Council.
9. In accordance with the *Municipal Act*, as amended, the proposed by-law attached as Appendix “A” to Staff Report LCS004-17 sets out the minimum notice requirements, a list of matters for which public notice is required, the form and manner in which notice is to be given and the minimum time for giving such notice. Public notices would be posted on the City of Barrie’s website, with the exception of tax or public utility related notices containing private information.

In addition to such posting:

- a) Notice shall be given for the matters and in the form, manner and time as set out in the table attached in Appendix “A”.
- b) Where it is deemed that public notice may be in the best interest of the public, for any matter that is not covered in the By-law or prescribed by other legislation, notice shall be provided in accordance with the City of Barrie’s Communications Policies.
- c) Council may direct that some other form and manner of public notice is to be given that Council considers adequate to give reasonable notice.

10. At a minimum, unless otherwise prescribed in the *Municipal Act* or its regulations, a notice of the intention to pass a by-law or notice of a meeting open to the public meeting, other than an information sign, shall include the following:
- a) A description of the purpose and effect of the proposed by-law or matter;
 - b) The legislative reference under which the notice is being given;
 - c) A summary how the matter relates to a defined location and the particulars of the location such as reference to a municipal address or street intersection, or to a legal description or key map, if applicable;
 - d) The date, time and location of the meeting at which the matter will be considered;
 - e) A description of how and where comments and/or objections may be made; and
 - f) Contact information for the purposes of submitting written comments prior to the meeting including any submission deadlines.

ENVIRONMENTAL MATTERS

11. There are no environmental matters related to the recommendation.

ALTERNATIVES

12. The following alternatives are available for consideration by General Committee:

Alternative #1

General Committee could choose not to recommend the passage of a new By-law and maintain the current by-law.

This alternative is not recommended, as the current by-law is out-of-date and includes notice provisions that are no longer required under the *Municipal Act*.

Alternative #2

General Committee could choose to amend the draft by-law to change the form, manner or timing of notice.

Staff has reviewed the proposed form, manner and timing of notice with applicable departments. Staff is of the opinion that the form, manner and timing of notice proposed will be the most appropriate minimum requirements to address the community's needs.

Alternative #3

General Committee could choose to amend the draft by-law to include additional matters where Council is not legislatively required to provide notice under the *Municipal Act*.

While this option is available, the intent of the proposed by-law is to address legislative notice requirements only. It is not intended to replace other community engagement initiatives or establish required notice for matters that are not prescribed.

FINANCIAL

13. There are no direct financial implications for the Corporation resulting from the proposed recommendation.

LINKAGE TO 2014-2018 STRATEGIC PLAN

14. The recommendation included in this Staff Report supports the following goal identified in the 2014-2018 Strategic Plan:
- Inclusive Community
15. The recommendation is in keeping with the goals and objectives identified in Council's Strategic Plan for an inclusive community, specifically the promotion and facilitating community connections. It is important for public notice to be provided in a manner that allows for an accountable and transparent process by communicating matters to be considered by Council and/or decisions of City Council.

APPENDIX "A"

Draft Notice By-law

A By-law of the Corporation of the City of Barrie to provide for general notice provisions as required under the *Municipal Act, 2001* and to repeal By-law 2003-116

WHEREAS under section 270 of the *Municipal Act, 2001*, S.O. 2001, c.25 a municipality 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 the notice shall be given;

AND WHEREAS sections of the *Municipal Act 2001*, S.O. 2001, require a municipality to give notice to the public generally of its intention to pass certain by-laws, notice of the holding of certain required public meetings and notice of other matters;

AND WHEREAS By-law 2003-116 was passed on the 9th day of June, 2003 to establish general notice provisions;

AND WHEREAS in accordance with motion 17-G-xxx, the Council of The Corporation of the City of Barrie deems it expedient to repeal and replace By-law 2003-116;

NOW THEREFORE the Council of The Corporation of the City of Barrie enacts as follows:

1. **DEFINITIONS**

For the purpose of this By-Law,

"City's website" means the official website of the City of Barrie (barrie.ca).

"Clerk" means the City Clerk of The Corporation of the City of Barrie or his designate.

"Committee Agenda" means an agenda for the General Committee or Reference Committee(s).

"Municipal Act" means the *Municipal Act, 2001*, S.O. 2001, c.25.

"Newspaper" A printed publication in sheet form, intended for general circulation, published regularly at intervals of no longer than a week, consisting in great part of news of current events of general interest and sold to the public and regular subscribers."

"Notice to the Public" or **"Public Notice"** means notice given to the public generally, but does not include notice given only to specified persons.

"Notice Page" means the subdirectory on the City's website where notices are posted.

"Public Meeting" means a meeting open to the public.

"Published" means to print in a newspaper that in the opinion of the Clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby.

2. APPLICATION

Where the City is required to give notice to the public under a provision of the *Municipal Act*, the notice shall be given in a form and manner and at the times indicated in this by-law unless:

- a) The *Municipal Act*, another Act or a regulation pursuant to such Act prescribes otherwise for the giving of notice to the public;
- b) The requirements for notice to the public are prescribed in another by-law; or
- c) Council directs that some other form and manner of public notice is to be given that Council considers adequate to give reasonable notice under the provision.

3. NOTICE TO THE PUBLIC (GENERAL REQUIREMENTS)

Subject to any specific notice requirements contained in any Act or Regulation and subject to overriding notice provisions set out in Schedule A to this by-law, the general requirements for giving notice to the public by the City are set out as follows:

- a) The notice shall be published once in a newspaper in the City at least fourteen (14) days before the Council Meeting at which the matter will first be considered in public session and an opportunity is provided for members of the public to speak to the matter.
- b) The notice shall be posted on the Public Notices page of the City's website for at least the fourteen (14) day period immediately preceding the General Committee or Council Meeting described in a).
- c) Notice may also be given through the posting of signage on the subject property at least fourteen (14) days before the General Committee or Council Meeting described in a).
- d) A notice given under Subsection b) is sufficient even if there are times during the period when the City's website is not fully accessible.
- e) In addition to the notice provisions contained with Schedule A, notice may also be provided through the posting of Committee and Council Agendas on the City's website, in accordance with the timelines identified in the City's Procedural By-law.
- f) The notice shall contain the following information:
 - i) A general description of the proposed by-law or matter;
 - ii) The legislative reference under which the notice is being given;
 - iii) A summary of how the matter relates to a defined location and the particulars of the location such as reference to a municipal address or street intersection, or to a legal description or key map, if applicable;
 - iv) The date, time and location of the Reference Committee, General Committee, Council or other meeting at which the matter will be considered; and
 - v) Instructions on obtaining additional information, submitting comments or attending the General Committee or Council meeting.

- g) If the matter is deferred or referred at the General Committee or Council meeting no additional notice is required, except where the *Municipal Act* provides otherwise.
- h) If the same matter is considered at a subsequent General Committee or Council meeting no additional notice is required, except where the *Municipal Act* provides otherwise.
- i) The requirements in a) to f) are minimum requirements, and City staff are authorized to give notice to the public in an extended manner, if in the opinion of the Clerk or under the direction of Council, the extended manner is considered reasonable and necessary in the circumstances.

4. NOTICE TO THE PUBLIC (SPECIFIC REQUIREMENTS)

Notwithstanding the general notice provisions contained in Section 3 of this by-law, notice with respect to those matters set out in Schedule A shall be given in accordance with the specific provisions contained therein.

5. CLOSED SESSION

No notice shall be required under this by-law, where the provision of notice will interfere with the ability of Council to consider business with respect to a matter permitted to be discussed in closed session in accordance with Section 239 of the *Municipal Act*.

6. EMERGENCY PROVISION

If a matter arises, which in the opinion of the Access Barrie 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 City of Barrie or if a State of Emergency is declared, or is so advised by a Provincial Ministry, the notice requirements of this by-law may be waived and Access Barrie shall make best efforts to provide notice as soon as possible thereafter and the reasons for waiving or varying from the requirements.

7. NOTWITHSTANDING PROVISION

Where notice of intention to pass a by-law or notice of a public meeting is required to be given and the timeframe for such notice is not already prescribed in the Act or its Regulations or otherwise addressed in this by-law, notice shall be given at least once, no less than 7 days prior to the proposed activity to be undertaken.

- 8. THAT** this By-law shall come into force and effect immediately upon the final passing thereof.

READ a first and second time this xx day of xxxx, 20XX.

READ a third time and finally passed this xx day of xxxx, 20XX

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J.R. LEHMAN

CITY CLERK – DAWN A. MCALPINE