

**THE CORPORATION OF THE COUNTY OF LANARK
BY-LAW NO. 2023-26**

**BEING A BY-LAW TO AUTHORIZE THE ADOPTION OF THE PUBLIC NOTICE
POLICY FOR THE CORPORATION OF THE COUNTY OF LANARK**

WHEREAS, Section 270(1) of the Municipal Act, 2001, as amended requires that the municipality shall 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;

AND WHEREAS, it is deemed expedient to set out reasonable minimum notice requirements for those actions by the municipality for which the notice requirements are not prescribed under the provisions of the Act or its regulations; and

AND WHEREAS, the Corporation of the County of Lanark deems it expedient to adopt a Public Notice Policy pursuant to the legislation and regulations;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of the County of Lanark enacts as follows;

- 1.** The Public Notice Policy is hereby adopted and attached hereto as Schedule "A" and forming part of this By-Law.
- 2.** The By-Law shall come into full force and effect on the day of its passing.
- 3.** By-Law 2007-68 is hereby repealed.
- 4.** Should any sections of this by-law, including any section or part of any schedules attached hereto be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

By-Law read a first and second time this 21st day of June, 2023.

By-Law read a third time and finally passed this this 21st day of June, 2023.

Jasmin Ralph, Clerk

Peter McLaren, Warden

SUBJECT: PUBLIC NOTICE POLICY

1.0 PURPOSE

The purpose of this policy is to provide a list of matters for which public notice is required by legislation or deemed by the County to require public notice, the form and manner in which notice must be given, and the minimum time for providing such notice.

2.0 APPLICATION

Where the County is required to give Public Notice under a provision of the Municipal Act or the Planning Act, the notice shall be given in a form and manner and at times indicated in this Bylaw unless:

- The Act, another statute, or a regulation prescribes or permits otherwise;
- The requirements of notice are prescribed in another policy, resolution or bylaw;
- Council directs that other public notice is to be given as the Council considers necessary in the circumstances, upon adoption of a resolution of Council;
- In circumstances where, in the opinion of the Department Head, notice is reasonable and necessary, in the form, manner and times as determined by the Department Head.

The form, manner and timing for giving of notice as set out in this Bylaw shall be deemed to be the minimum requirement and nothing in this Bylaw shall prevent the use of more comprehensive methods of Notice or for providing for a longer notice period.

Wherever possible, public notice should be written in plain language in a manner that promotes openness and engagement from members of the public.

Department Heads shall be responsible for determining the category of notice requirements as detailed in Appendix A.

3.0 NOTICE OF SUBSEQUENT MEETINGS

If a decision is not made at the meeting specified in the Public Notice, a statement should be made by the Chair at the meeting specifying the date, time and location of any subsequent meeting, at which consideration of the matter will ensue.

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 Standing Committee of the Council.

4.0 RESPONSIBILITIES

Council is responsible for approving and directing compliance with this policy.

ISSUED BY:

DATE ISSUED:

SUPERCEDES:

PAGE:

SUBJECT: PUBLIC NOTICE POLICY

The Clerk is responsible for making updates to this policy as a result of changes to the Act or other provincial legislation.

Employees are responsible for compliance with this policy.

5.0 FORM OF NOTICE

Notice to the Public shall contain the following information when applicable:

- A general description of the Subject Matter under consideration or otherwise involved;
- Where the Subject Matter relates to a defined location, sufficient particulars of the location to identify it generally, such as reference to a municipal address or street intersection, or a legal description or plan or key map;
- Purpose of any meeting of which Public Notice is required to be given or the purpose and effect of the proposed action;
- Identification of the authority under which the Public Notice is being given;
- Date, time and location of any meeting at which the Subject Matter will be considered of which Public Notice is required to be given;
- Where written submissions may be made, or where delegations for the purpose of providing a verbal submission can be registered, the name and title of the person to whom they are to be sent, together with the email and office address of the official and the deadline for receipt of such submissions; and
- That the Public Notice is given by the County of Lanark.

ISSUED BY:

Clerk's Department

DATE ISSUED:

June 2023

SUPERCEDES:

By-Law 2007-68

PAGE:

2 of 5

SUBJECT: PUBLIC NOTICE POLICY

6.0 APPENDIX A – NOTICE CATEGORIES

Class 1 — Standard Council Operating Process (minimum 2 days Notice)

This class refers to the normal operations of the County of Lanark when Notice is provided of upcoming Council meetings.

Notice of Council meetings where the business of the municipality is being discussed is provided through the development of agendas. Notice shall be provided a minimum of 2 days in advance of the meeting by:

- posting of the Agenda to the County’s website and other social media applications as appropriate
- Distribution of the agenda directly as requested by members of the public

Class 2 — Defined or Specific Issues (minimum 14 days Notice)

The issues associated with this class of Notice are more specific and affect a smaller more contained population. These Notice provisions will take into consideration difference between communities of interest and specific user groups.

There are cases where the broad general Notice may still be required but some discretion is necessary. Notice is to be more flexible and directed at affected individuals.

As an example the Notice provision will apply to the following but may not be limited to: sale of minor parcels of land; controlled access by-laws and amendments; road renaming, highway closing by-laws; passage of some bylaws; consultation on localized road repairs where a Class Environmental assessment is not required.

A minimum of 14 days Notice will be provided utilizing the following methods:

- If applicable, direct delivery or pre-paid first class mail to affected parties, that may include, but are not limited to, affected land owners/occupants, abutting land owners/occupants, license holders, stakeholders;
- Posting of Notice on County website and other social media applications, as appropriate;
- At the discretion of the Department Head, advertisement in a newspaper that is of sufficiently general circulation in the specific area and other social media applications, as appropriate;

Class 3 — Major Issues (minimum 21 days Notice)

The issues associated with this class have a significant impact on the community.

SUBJECT: PUBLIC NOTICE POLICY

This Notice shall be directed to the broadest audience as the topics may be of interest to the County as a whole. Notice provisions apply to but are not limited to the following:

- Public consultation activities that may include the development of major new policies and procedures;
- Consulting with the public on the development of new regulatory by-laws and amendments to those regulatory by-laws that affect general population i.e. amendment to pesticide or licencing by-laws;
- Proposed changes to governance structure (e.g. change of municipality name, change in size of Council);
- Sale of land containing buildings or the sale of a lot as defined in the Planning Act;

A minimum of 21 days Notice is required utilizing the following methods:

- If applicable, direct delivery or pre-paid first class mail to affected parties, that may include, but are not limited to, affected land owners/occupants, abutting land owners/occupants, license holders, stakeholders;
- Notice on County website and other social media applications, as appropriate.
- At the discretion of the Department Head, advertisement in a newspaper that is of sufficiently general circulation in the specific area and other social media

Class 4 — Planned Service Disruptions (minimum 24 hours Notice)

Departments shall provide Notice of planned service interruptions.

Notice of the disruption should include information about the reason for the disruption, its anticipated duration and a description of any available alternative services.

A minimum of 24 hours is required utilizing the following methods:

- posting of the information in a conspicuous place or on the premises as applicable; and
- posting of Notice on County website and other social media applications, as appropriate.

Class 5 — Communicating Information (no Notice required)

Where the County publishes information that may be of interest to the Public, but there is no time frame for action regarding the report, and the time frame for Public Input has expired, there is no requirement to give Notice. Notice may be given of the availability of the document. If Notice is given regarding the document there is no restriction on how this Notice is given.

ISSUED BY:

DATE ISSUED:

SUPERCEDES:

PAGE:

Clerk's Department

June 2023

By-Law 2007-68

4 of 5

SUBJECT: PUBLIC NOTICE POLICY

Municipal Class Environmental Assessment Process

The Class Environmental Assessment process is not included in this Notice Policy. A separate notification and consultation process has been created for Municipal Class Environmental Assessments which will affect most major road, water and sewer construction projects.

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By-Law 2007-68

PAGE:

5 of 5