

Council Policy

If this information is required in an alternate accessible format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131.

Number:	CP-007
Title:	Public Notice Policy
Type:	Legal Services
Sub-type:	Public Notice
Owner:	Legislative Services Clerk's Division
Approved By:	Council
Approval Date:	December 18, 2023
Effective Date:	December 18, 2023
Revised Date:	Click or tap to enter a date.
Applicable to:	All Staff

1. Legislative or Administrative Authority:

This policy is to satisfy the requirements of Subsection 270(1) of the Municipal Act, 2001, as amended.

2. Purpose:

The purpose of this policy is to establish the form, manner, and times that public notice shall be given when the Municipality is required to give public notice in circumstances of its own initiative, or as prescribed by other levels of government.

3. Scope:

This policy is applicable to all matters for which the Municipality has determined that the giving of public notice is warranted.

Where the requirements of this policy conflict with the notice requirements in any other Municipal policy, by-law, or any other applicable legislation, the more expansive notice requirements shall apply.

4. Definitions:

Not Applicable.

Council Policy

If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131

5. Policy Requirements:

Circumstances

- 5.1. The Municipality shall give public notice under the following circumstances.
- Where the giving of public notice is required by the provincial or federal statute, or regulation;
 - Where directed pursuant to a municipal Council policy, by-law, management directive, standard operating procedure or work instruction that requires the giving of public notice; or
 - Where, in the opinion of Staff, the matter is of sufficient public interest to warrant the giving of public notice.
- 5.2. When determining whether a small matter is of sufficient public interest to warrant the giving of public notice, staff shall consider:
- The number of people affected by the matter;
 - The financial implications of the matter for the municipality;
 - The time-period, or duration, for which the matter is applicable; and
 - The extent of any geographic area affected.

Form

- 5.3. Where public notice is deemed to be required, the notice shall contain, at minimum, the following information:
- The authority and/or legislation under which the notice is being given, if applicable;
 - A description of the matter, and any decision to be made in relation to it;
 - A map, or description, of any lands affected by the matter, if pertinent;

Council Policy

If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131

- The date, time, and location of any meeting at which the matter may be considered;
 - A description of how comments and/or questions regarding the matter may be submitted;
 - Contact information of the employee, person, or organization responsible for the matter;
 - How to exercise any applicable rights of appeal; and
 - Any other information deemed necessary by Staff or as directed by Council.
- 5.4. Wherever possible, notices shall be written in plain language and feature an accessible, and easily legible, design in accordance with Clarington's Branding Guidelines and Accessible Document Guidelines.

Manner

- 5.5. Notice shall be posted electronically on the Municipality of Clarington's website on a webpage dedicated for the purpose of giving public notice. Notice shall also be provided by regular letter mail or email to every party that has requested in writing to be updated with respect to the matter, and has provided contact information, or where otherwise deemed by Staff to be appropriate in the circumstances. Notice may also be published in additional print, or online media, at the discretion of Staff.

Time

- 5.6. Public notices shall be posted and/or distributed a minimum of 14 calendar days prior to the matter being considered, or prior to any referenced action coming into effect (whichever is applicable in the circumstances).
- 5.7. In calculating the notice period, the day of giving notice is excluded, and the day on which the relevant action to be taken is included.

Council Policy

If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131

- 5.8. Notwithstanding the above section regarding “time”, if a matter specified in a public notice does not occur at the specified time and is rescheduled, additional notice shall be provided to the public to advise when the matter has been rescheduled to be considered. Where the time to give public notice is not legislated, any subsequent public notice shall not be required to adhere to the minimum time requirements above.

Exceeding Minimum Notice

- 5.9. Nothing shall prevent the Municipality, acting reasonably, from exceeding the minimum notice requirements established in this policy at its discretion.

6. Administration

Requirements by Statute or Regulations

- 6.1. Where satisfying a statutory requirement is an impossibility (for example, where legislation requires notice in a “newspaper having generation circulation in the municipality”, where no such newspaper exists), the Municipality shall make reasonable efforts to satisfy the legislative intent through other means. Where the giving of notice is required by legislation but the form, manner and/or time of giving notice is not specified by the applicable legislation, the Municipality shall give notice to the public in accordance with above sections regarding form, manner, and time.
- 6.2. Failure to conform to the standards of this policy shall not invalidate the matter, or any decision made regarding the matter, absent any strict legislative requirement to the contrary.

7. Roles and Responsibilities:

7.1. Council is responsible for:

- 7.1.1. Setting the policy on the form, manner, and time of notice.
- 7.1.2. Providing the financial and administrative resources to meet the requirements of the Public Notice Policy.

Council Policy

If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131

7.2. Chief Administrative Officer (CAO) is responsible for deciding on situations where:

7.2.1. Since the policy could affect all departments, the CAO is responsible for the review and updating of this policy.

7.2.2. If a matter arises which, in the opinion of the Chief Administrative Officer:

- is considered to be urgent or of a time sensitive nature;
- could affect the health or well-being of the residents of the Municipality; or
- is likely to result in a State of Emergency being declared by the Province of Ontario or the Municipality;

any, or all, of the public notice provisions established in this policy may be waived, and the Municipality shall make its best effort to provide as much notice as is reasonable under the circumstances, provided that the waiving of giving public notice does not contravene provincial or federal statutes or regulations.

7.3. Directors / Managers are responsible for the following within their scope of authority:

7.3.1. Ensuring that Staff are aware of the Public Notice Policy.

7.3.2. Ensuring that Staff comply with the Public Notice Policy.

7.3.3. Obtaining approval, from the CAO, for the waiving of any of the provisions of the Public Notice Policy, where necessary (as defined above).

7.3.4. Working with the Communications Division to ensure that appropriate notice is given.

Council Policy

If this information is required in an alternate format, please contact the Accessibility Coordinator at 905-623-3379 ext. 2131

7.4. All Staff are responsible for:

- 7.4.1. Ensuring that the public notices are created and distributed in accordance with the Public Notice Policy.
- 7.4.2. Notifying the Director of any problems with meeting the Public Notice Policy requirements.
- 7.4.3. Working with the Communications Division to ensure that appropriate notice is given.

8. Related Documents:

Not Applicable.

9. Inquiries:

If further information is required, please contact the CAO.

10. Revision History:

Date	Description of Changes	Approved By