



**Corporation of the Town of Ingersoll
By-Law 16-4887**

A by-law to prescribe the form and manner and times for the provision of notice

WHEREAS Section 270(1) 4 of the Municipal Act, 2001, as amended, provides that 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 notice shall be given.

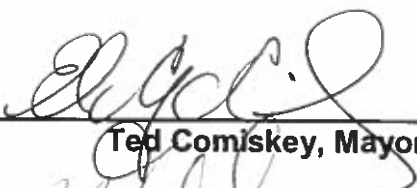
AND WHEREAS it is deemed advisable by the Council of the Corporation of the Town of Ingersoll to set out the minimum notice requirements in the Municipal Act, 2001 for which the notice requirements are not otherwise prescribed by legislation, regulation, policy or by-law;

NOW THEREFORE, the Council of the Corporation of the Town of Ingersoll enacts as follows:


1. That the Council does hereby adopt the Code of Conduct and shall the provision and regulations contained in this By-law and as attached as Schedule 'A'.
2. That Schedule 'A' attached hereto, in substantially the same form, shall form part of this By-law.
3. That this By-law shall come into force and be effective on the date of the third and final reading thereof.
4. That By-law 11-4649 is hereby repealed.

READ a first and second time this 11th day of July, 2016.

READ a third time and finally passed this 11th day of July, 2016.



Ted Comiskey, Mayor



Michael Graves, Clerk

Notice By-law

PURPOSE:

To provide for the form, manner and timing in which the Town shall provide notice to the public and/or its stakeholder where notice is appropriate and/or prescribed pursuant to the Municipal Act, 2001.

STATEMENT:

In accordance with the *Municipal Act, 2001*, a municipality shall adopt and maintain policies with respect to providing notice to the public and, the form, manner and times notice shall be given.

SCOPE:

This policy applies to public notices issued by the Town of Ingersoll, pursuant to the Municipal Act, 2001, with the following exceptions:

- a) Where notice is otherwise prescribed by statute, regulation, Town By-law or other policy;
- b) Where Council directs an alternate form or manner of public notice or deems that notice is not required;
- c) Where notice requirements may need to be altered pursuant to an Emergency Provision.

DEFINITIONS:

"Council" means the Council of the Corporation of the Town of Ingersoll

"Day" means calendar day

"Posted" means electronically publishing the notice

"Public Notice" means a written, published and or printed notification given to the public generally, but does not include notice given only to a specified person

"Website" means the Town of Ingersoll website www.ingersoll.ca

GUIDING PRINCIPLES

The Town of Ingersoll shall demonstrate adherence to the notice provisions of legislation, as well as any Town by-laws and policies containing notice requirements, based on the following principles:

- (a) Stakeholders and public have the right to be informed as to what, when and where the business of the municipality is being conducted;
- (b) Notice should be timely in accordance with the scope and magnitude of the issue or as prescribed by legislation, by-law or policy;
- (c) Notice is to be given in such a manner as to reach the largest broadcast audience affected by the issue or matter;
- (d) Consideration is to be given to ensuring information is accessible, in a useful format that is easy to understand, and is inclusive and respectful to all citizens;

- (e) Consideration is to be given to providing direct notice for those individuals or stakeholders directly impacted, where reasonable and appropriate;

PROCEDURE:

All Town staff is to adhere to and consider the application of this policy when determining whether notice is appropriate, as well as the form and manner in which such notice should be given.

Provision of Notice

Where notice is required, including notice of intention to pass a by-law, or notice of a public meeting is required; 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 and email, posting on website, newspapers, location signs, radio and television (e.g. media releases).

Time of Notice

Where notice of intention to pass a by-law or notice of public meeting is required to be given, such notice shall be provided in time frame prescribed in the legislation 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 legislation, the notice provisions set out in such by-laws and policies shall prevail.

Application

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

The notice requirements set out in this policy are minimum requirements. Nothing in this policy shall prevent the use of more comprehensive methods of providing notice or providing longer periods of notice at the discretion of the Clerk.

Given the the cost associated with newspaper advertisements and the reducing use of newspapers, this form of public notice is to be limited in its use. 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 the particular subject matter.

Where public notice is desired but not legislated through this procedure or other legislative means, the notice undertaken by the Town should reflect the magnitude and complexity of the issue/initiative and desired goal or outcome. In selecting the appropriate notice beyond the scope of this procedure the following four recognized types of public engagement will be considered:

- To inform-provide information to assist in understanding the initiative, alternatives, opportunities or solutions;
- To consult-obtain feedback on analysis, alternatives and/or decisions;
- To involve-work directly with the community throughout the process to ensure concerns and aspirations are understood; and
- To collaborate-partner with the community in the development of a decision to seek alternatives and/or a preferred solution.

The determination of appropriate notice beyond the scope of this procedure will be at the discretion of the Clerk.

Emergency Provisions

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

Responsibility

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

Policy Maintenance and Amendments

Every effort will be made to maintain this policy within currently prescribed requirements and will be amended to reflect those changes.

This policy will be reviewed a minimum of once per Council term to ensure its effectiveness.

Schedule "A"
Town of Ingersoll Notice Provisions
*Denotes notice required by the Act

Subject	Public Meeting Requirement	Manner of Giving	Timing of Notice
Financial			
Financial Statements within 60 days after receiving the audited financial statements – Municipal Act Section 295 (1)	No	Post on website and in newspaper	As prescribed by the Act
User Fee By-law Amendment	No	Post on Website through Council Agenda	48 hours before the meeting.
Sale of Seized Personal Property – Notice Section 351(8)	No	Prepaid registered mail to affected party; published in paper; posted on website	Posted on website at least 30 days prior to auction
Governance			
Proposal to Restructure – Municipal Act – Section 173	Yes	Post on website and newspaper	14 days prior to public meeting
Change of Name of Municipality – Municipal Act – Section 187	No	Post on website	14 days prior to meeting
Change composition of Council – Municipal Act – Section 218 (2) & 219	Yes	Post on website	14 days prior to public meeting
Number of Votes for Council Members – Municipal Act – Section 218 (3) & 219	Yes	Post on website	14 days prior to public meeting
By-law to dissolve or make changes to a local board – Section 216 (4)	No	Written notice by registered mail provided to the local board	at least 14 days prior to consideration of by-law
Procedural By-law Amendments – Municipal Act Section 238	No	Post on website through agenda	48 hours before the meeting.
Establishment of Wards – Notice – Section 222(3)	No	Post on website and newspaper	14 days prior to meeting
Regulatory			
Sale of Land (By-law 08-4429) – Municipal Act – Section 270	No	As directed by by-law 08-4429	

Power of Entry – Municipal Act – Section 435	No	As directed by the Act	As directed by the Act
Transportation Services			
Permanent Closure of a Highway – Municipal Act – Section 34 (1)	No	Signage posted and post on website	30 days prior to enactment of by-law
Temporary closure of a highway for construction	No	Post on website, signage posted, notice to adjacent property owners	Update website as necessary, signage posted as soon as practical
Changing Name of a Highway	No	Post on website, signage poste	30 days prior to enactment of by-law
Misc.			
Temporary Program Disruption or Service Disruption	No	Posting in a conspicuous place at the affected premises and on the website	As soon as possible after it is determined that there will be a service disruption