



# TOWNSHIP OF WELLINGTON NORTH

## PROVISION OF NOTICE POLICY

<b>DEPARTMENT</b>	CLERK	<b>POLICY NUMBER</b>	14.5
<b>EFFECTIVE DATE</b>	January 13, 2015	<b>LEGISLATIVE AUTHORITY</b>	<i>Municipal Act, 2001, Section 270</i>
<b>APPROVED BY</b>	Blanket Resolution 2015-345, August 10, 2015 (Original By-law 002-15)		

### **POLICY**

Notice Provision Policy to establish public notice provision for matters in the *Municipal Act, 2001*, (the Act) that directly affect the public that are not otherwise prescribed by legislation, regulation, policy or by-law.

### **PURPOSE**

The *Municipal Act, 2001* (the Act) requires that all municipalities adopt and maintain a policy with respect to public notice. The purpose of this policy is to set out the circumstances in which the Township of Wellington North will provide to the public minimum notice requirements in the *Municipal Act, 2001* that are not otherwise prescribed by legislation, regulation, policy or by-law.

### **DEFINITIONS IN THIS POLICY**

- “Act” shall mean the *Municipal Act, 2001*
- “Clerk” shall mean the Clerk and/or Deputy Clerk of the Township of Wellington North
- “Electronic” includes created, recorded, transmitted or stored in digital form in other intangible form by electronic, magnetic or optical means or by any other means
- “Municipality” shall mean the Township of Wellington North
- “Notice” shall mean a written, printed, published or electronic notification/announcement
- “Publication” shall mean a printed publication with regular circulation at intervals not longer than once weekly, which in the opinion of the Clerk, has sufficient content and distribution in the municipality so as to provide reasonable notice to the community at large

### **PURPOSES REQUIRING PROVISION OF NOTICE**

Notice shall be given for the following purpose:

- \*Naming of private roads (Section 48 of the Act)
- \*Closure of a road (Section 34 of the Act)
- Licensing-including but not limited to businesses, kennels, taxis, tow trucks (Section 150 of the Act)
- Fees and Charges (Section 391 of the Act)
- Adoption of the annual budget (Section 290 of the Act)
- Council vacancy (Section 263 of the Act)

- Change in Council composition (Section 217 of the Act)

\*In the case of renaming a private road or closure of a road, individual notice shall be given to all parties with addresses on the affected road.

\*This process shall not apply to highways that are being dedicated/named through draft plan approval-subdivision and condominium.

### **MANNER OF NOTICE**

Where a by-law is to be passed or a public meeting is required under this policy, the Clerk shall cause such notice to be published in a printed and/or electronic format.

### **TIME OF NOTICE**

Where a by-law is to be passed or a public meeting is required under this policy, notice shall be given at least fourteen (14) calendar days prior to the proposed action being taken.

### **FORM OF NOTICE**

Where a by-law is to be passed or a public meeting is required under this policy, the form of notice shall include:

- A description and purpose of the public meeting;
- The purpose and effect of the proposed by-law;
- The date, time and location of the public meeting;
- Where the purpose of the public meeting or proposed by-law is related to specific lands, a key map showing the affected lands;

### **FURTHER NOTICE NOT REQUIRED**

If the proposed by-law is not passed at the Council meeting specific in the notice provided, but consideration of the matter is deferred, no further notice is required under this policy provided a public statement is made at the subject meeting that the matter has been deferred to a future meeting of Council.

### **DISCLAIMER**

The Township of Wellington North is not responsible for failure to provide notice pursuant to this policy if the failure is the result of power failure, electronic communication or other reasons outside the control of the municipality.

### **GENERAL PROVISIONS**

Where separate by-laws and policies have been enacted related to provisions of notice in accordance with the Act, the provisions in such by-law and policies shall prevail.

This policy shall not prevent the municipality from using more comprehensive methods of notice or a longer notice period.

### **EMERGENCY PROVISION**

If a matter arises, which in the opinion of a Senior Municipal Official, in consultation with the Mayor or designate, is considered to be urgent or time sensitive in nature, or which could affect the health or well-being of the residents of the municipality, or if an emergency declaration is made or if so advised by a Provincial Ministry, the notice requirements of this policy may be waived and the said Senior Municipal Official shall make his/her best efforts to provide as much notice as is reasonable under the circumstances.