Appendix A to CL-09-21

Corporate Policy

General

Public Notice Policy

Approved by Council on: MMMM d, yyyy

Report Number: CL-09-21

Effective:

Reviewed on:

Amended:

Next Review:

Note:

The purpose of the policy is to provide notice to the public when required by the *Municipal Act, 2001, S.O. 2001, c. 25, as amended*.

Policy Statement:

The Corporation of the City of Burlington values and encourages public notice and engagement and is committed to open communication to develop and deliver quality programs and services that meet the needs of the City.

Section 270 of the *Municipal Act, 2001, S.O. 2001, c. 25, as amended*, requires that the municipality 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.

Scope:

This policy applies to notice given by the City of Burlington as required in the Municipal Act, as deemed necessary by Council, or as provided for therein.

Objectives:

1. Where the City is required to give notice under the Act, the notice shall be given in a form, manner and time as set out in Schedule A unless;

- The notice required in the Act or other legislation is greater in scope or time;

- Notice for the subject is not provided for in Schedule A and Council, by resolution, or staff determines that notice is desirable, in which case the Director responsible for the subject requiring notice shall provide notice.

2. Time periods set out in this Policy shall be counted by excluding the day of the period on which notice is first given and including the day of the period on which the meeting or other event takes place.

3. Every notice given shall contain the following information, when applicable:

   - Identification of the authority under which the notice is given;

   - A description of the purpose of the notice (i.e. date, time and location if applicable) and effect of the proposed action;

   - A description of how and where comments can be made, including any submission deadlines;

   - Contact information for the purpose of submitting written comments or obtaining additional information; and,

   - Where the notice is related to identifiable lands, a key map showing the location of the lands; and

   - That the Public Notice is given by The Corporation of the City of Burlington, or by the City Clerk on its behalf.

4. Where Direct Mail is required and the matter is related to identifiable lands, notice by Direct Mail shall be to the abutting property owner, unless legislation requires circulation to property owners within a designated radius of the identifiable lands.

5. A Public Notice, utilizing the City's website, shall be sufficient even if the City website is not accessible at all times during the public notice posting period.

6. Nothing in the policy shall prevent the City from using more comprehensive methods of notice or for providing for a longer notice period.

7. No additional notice will be required for subsequent meetings where a matter has been deferred to a subsequent meeting by Council or by a Committee of Council.

8. Where possible, Public Notices should be written in plain language and provided in an accessible manner. Public Notices shall incorporate the following strategies to enhance participatory opportunities for the public:
   - Ability to scan for information: Make use of short sentences and paragraphs, and headers.
   - Ease of reading: Use simple sentence structure and grammar.
   - Use simple everyday words instead of technical jargon: Use active voice rather than passive voice.
   - Target audiences: Anticipate their interests and address potential enquiries.
   - Images: Use images especially if it helps readers understand the message.

9. If a matter arises, which in the opinion of the City Manager, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the security of property or health or well-being of the residents of the City of Burlington, or if a state of emergency is declared, or is so advised by a Provincial Ministry, the notice requirements of this policy may be reduced or waived.

Definitions:

For the purpose of this policy, unless otherwise stated, the following definitions shall apply:

Term	**Definition**
Act	Means the *Municipal Act, 2001, S.O. 2001, c 25 as amended,* and any successor legislation in substitution thereof and included regulation thereunder.
City	Means The Corporation of the City of Burlington
Council	Means the Council of The Corporation of the City of Burlington
Direct Mail	Means notice sent via regular mail or registered mail.

Term	Definition
Department Head	Means an officer or employee of the City who will generally hold the title of 'Director, appointed by the City Manager or Council, as applicable, to oversee a department, or a person appointed or designated to act in place of the Director when the Director is absent or refuses to act.
Mayor	Means the Head of Council of The Corporation of the City of Burlington elected or appointed in accordance with the *Municipal Act, 2001* and the *Municipal Elections Act, 1996, S.O. 1996, c. 32, as amended*, or the Deputy Mayor or Acting Mayor as may be appointed or designated by Council from time to time.
Newspaper	Means a printed publication having general circulation in the City of Burlington.
Notice	Means a written, printed, published, or posted notification or announcement.
Plain Language	Means a way of writing, organizing and presenting information so that it makes sense and is easy to read. Information should be presented with straightforward vocabulary and sentence structures and by organizing material clearly and logically, to ensure that messaging is clearly understood.
Procedure By-law	Means the by-law to provide for the rules of order of Council and its Committees, 2021-31, as amended, and any successor legislation in substitution thereof.
Public Notice or Notice to the Public	Means notice given to the public generally but does not include notice given only to specified persons.

Term	Definition
Public Notices Page	Means the webpage on the City of Burlington's website where notices are posted and archived.
Subject Matter	Means the issue, measure, requirement, meeting or other matter in respect of which a notice is being given.
Website	Means the official internet website of the City of Burlington whose uniform locator is known as www.burlington.ca.

References:

- *Municipal Act, 2001, c. 25, as amended*
- *Planning Act, 1990, c.P.13, as amended*
- Conducting Engagement and Research Regarding City Projects, Initiatives, and Services Corporate Policy
- Corporate Communications Policy
- Roadways and Infrastructure - Road Closures – Temporary and Permanent Corporate Policy

Roles:

Accountable:

Council is accountable for approving this Public Notice Policy, and any necessary amendments.

The City Manager is accountable for approving amendments for Council's consideration and waiving this Public Notice Policy when required in accordance with Objective 9.

The City Clerk is accountable for recommending and preparing any necessary amendments to the Public Notice Policy, collecting concerns or complaints relating to the Public Notice Policy and ensure staff prepare and circulate notices within the designated time.

Responsible:

Directors are responsible for ensuring staff prepare and circulate notices within the designated time.

City Staff are responsible for preparing notices within designated timeframes and coordinating notices to be published (via newspaper, mail, and/or website).

Appendix A to CL-09-21

CITY OF Burlington

Corporate Policy

Schedule A to Public Notice Policy

Subject & Section	Requirement of *Municipal Act*	City of Burlington Requirements	Notice Given
Naming or Re-Naming of a Highway or Private Road (Section 11(3) and 48, *Municipal Act, 2001*)	Public notice required to advise of the intention to pass a by-law naming or re-naming a private road.	Notice posted on the website 7 days prior to the Committee or Council meeting at which the by-law will be considered.	Director of Engineering
Permanently closing or altering a highway (Section 34, *Municipal Act, 2001*)	Public notice required to advise all affected property owners of a Standing Committee meeting to consider the enactment of a by-law to close or permanently alter a highway when such closure or permanent alternation would deny access to a property.	Notice posted on the website 7 days prior to the Committee or Council meeting at which the by-law will be considered.	Director of Engineering
Emergency / Temporary closure of a road (Section 23.2 (5), *Municipal Act, 2001*)	Public notice to advise of the emergency or temporary closure of a road.	Notice posted on the website 2 days prior, where possible, of the closure of a road for temporary or emergency purposes.	Director of Engineering
Licensing By-law (Section 151, *Municipal Act, 2001*)	Public notice to advise of the intention to consider the enactment of a licensing by-law.	Notice posted on the City's website 7 prior to the meeting at which the matter is to be considered.	Manager of Licensing
Proposal to Restructure the	Public notice required to advise of the holding of a public meeting before Council votes on whether to support or	Notice posted on the website 7 days prior to the public meeting.	City Clerk

Municipality (Section 173, *Municipal Act, 2001*)	oppose a restructuring proposal.		
Change of Name of Municipality (Section 187, *Municipal Act, 2001*)	Public notice to advise of the holding of a Standing Committee meeting to consider the enactment of a by-law to change the municipality's name.	Notice posted on the website 7 days prior to the public meeting.	City Clerk
Dissolution of Local Boards (Section 216, *Municipal Act, 2001*)	Notice to a local board required to advise of Standing Committee meeting to consider the enactment of a by-law to dissolve or change the local board.	Notice by direct mail 7 days prior to the Committee or Council meeting at which the matter will be considered.	City Clerk
Changes to Composition of Council (Section 217, *Municipal Act, 2001*)	Public notice required to advise of the holding of a public meeting by the Standing Committee designated by Council to consider the matter prior to Council's consideration of changes to the composition of Council. Within 15 days after a by-law is passed, the City must give notice of the passing of the by-law to the public specifying the last date for filing a notice of appeal.	Notice of both the public meeting and Council's intention to pass a by-law in a newspaper 14 days prior to the public meeting; and On the website 14 days prior to the public meeting. Notice to be published in the newspaper 15 days of passing of bylaw. Website posting within 15 days of passing by-law.	City Clerk
Divide or re-divide municipality into wards or dissolve existing wards	Public notice required to advise of the Standing Committee designated to consider the matter prior to the Council's consideration of the enactment of a by-	Notice of the public meeting and Council's intention to pass a by-law posted on the website 14 days prior to the public meeting.	City Clerk

(Section 222, *Municipal Act, 2001*)	law dividing, establishment or dissolution of wards.	Notice of the passing of the by-law and specifying the last date for filing a notice of appeal posted to the website 5 days after the by-law passage.	
Notice of Meetings – (Section 238(2)(2.1), *Municipal Act, 2001*)	Public notice to advise of the annual schedule of regular meetings of Council and Standing Committees.	Notice of the annual schedule of regular meetings of Council and Standing Committees shall be posted on the City's website in accordance with the Procedure By-law. Notice of any special meetings of Council and/or Standing Committees outside of the annual schedule of regular meetings shall be posted on the City's website in accordance with the Procedure By-law.	City Clerk
Procedure By-law (Section 238, *Municipal Act, 2001*)	Public notice required to advise of a Standing Committee meeting to consider enactment of a new Procedure By-law or revisions to the existing Procedure By-law**.**	Notice posted to the website 7 days prior to the Standing Committee meeting at which the matter is to be considered.	City Clerk
Sale of Land (Section 270(1), *Municipal Act, 2001*)	Public notice required to advise of the intention to sell or otherwise dispose of municipally-owned land.	Notice shall be in accordance with the Sale of Real Property Policy.	Executive Director of Legal Services

Budget (Section 290 and 291, *Municipal Act, 2001*) Adoption or Amend* Budget *Amendment is defined in the definition section 1	Notice of Intent to adopt the budget. Notice of public participation meeting(s) with respect to the adoption of the budget.	Notice posted to the website 7 days prior to the Committee or Council meeting when the budget will be considered. Notice posted to the website 7 days prior to public participation and engagement opportunities.	Chief Financial Officer
Phase-in of Tax Changes Resulting from Reassessments (Section 318 (15), Municipal Act, 2001)	A notice of demand of taxes payable in respect of which there is a phase-in shall indicate the amount of taxes that would have been payable without the phase-in, the amount of taxes that are payable and the difference.	Notice to be given on the property tax bill.	Chief Financial Officer
Seizure of Personal Property – Public Auction (Section 351(8), *Municipal Act, 2001*)	Subject to certain conditions, the Treasurer or their agent may seize personal property to recover taxes and costs of the seizure. The Treasurer or their agent is required to give the public notice of the time and place of public auction and of the name of the person whose personal property is to be sold.	Notice of auction to be published in a newspaper once every 7 days for 14 days prior to the auction, and Notice posted on the website 14 days prior to the auction.	Chief Financial Officer
Tax Sale - Registration of tax arrears certificate (Section 374(1), *Municipal Act,*	Within 60 days after the registration of a tax arrears certificate under section 373, or within 30 days after the registration of a tax arrears certificate under section	Along with the requirements for notice set out in section 374(1), any and all notices shall be sent by registered mail.	Chief Financial Officer

2001)	373.1, the treasurer shall send a notice of the registration of the certificate		
Fees and Charges (Section 391*, Municipal Act, 2001*)	Public notice required to advise of a minimum of one Standing Committee meeting to consider the enactment of a fee or charge by-law. The notice shall specify when and where information in regard to such a by-law may be obtained. Public notice required to advise of a Council meeting to consider the enactment of fees and charges by-laws regarding items in the annual budget.	Notice posted on the website 7 days prior to the Committee or Council meeting at which the by-law will be considered.	City Clerk
Local Improvement Charges (Section 400, *Municipal Act, 2001*) In accordance with Section 6 of Ontario Regulation 586/06	Public notice of Council's intention to pass the by-law imposing fees and charges to the public and to the owners of the lots liable to be specially charged	Notice shall be given by mail to those owners of lots liable to the special charge, and Notice in a newspaper 14 days prior to the Council meeting at which the by-law will be considered, and Notice posted on the website 7 days prior to the Council meeting at which the by-law will be considered.	Director of Engineering

The following sections of the *Municipal Act, 2001* require notice but the notice requirements are prescribed in the Act (position responsible for notice):

- Section 206, 210(1), and 211(1) regarding Business Improvement Areas (City Clerk)
- Section 295(1) regarding Publication of Financial Statements (Chief Financial Officer)
- Section 331 (10) regarding Taxes on Eligible Property (Chief Financial Officer)
- Section 348 (2) regarding Determination of Tax Status (Chief Financial Officer)
- Section 350 (1) regarding Obligations of tenant (Chief Financial Officer)

- Section 356 (4) & (5) regarding Division of Parcels (Chief Financial Officer)
- Section 357 (5) & (6) regarding Cancellation, reduction, refund of taxes (Chief Financial Officer)
- Section 358 (8), (9) & (10) regarding Overcharges (Chief Financial Officer)
- Section 359 (3) & (4) regarding Increase of taxes (Chief Financial Officer)
- Section 365 (2) and Section 365.2 (5) & (6) regarding Cancellation, reduction or refund of taxes and Notice to upper-tier municipality (Chief Financial Officer)
- Section 379 (1), (2),(4) and 380 (3) regarding Public sale, Advertisement and Payment (Chief Financial Officer)