

CITY OF KINGSTON

Ontario

BY-LAW NO. 2003-15

A BY-LAW TO PROVIDE FOR NOTICE PROVISIONS AS REQUIRED

UNDER THE MUNICIPAL ACT, 2001

PASSED: December 17, 2002

As Amended By By-Law No:

(Office Consolidation)

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UNDER THE MUNICIPAL ACT, 2001**

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WHEREAS under section 251 of the *Municipal Act, 2001, S.O. 2001, c.25*, where a municipality is required to give notice under a provision of that Act, the municipality shall, except as otherwise provided, give the notice in a form and in the manner and at the times that the council considers adequate to give reasonable notice under the provision;

WHEREAS sections of the *Municipal Act, 2001* require a municipality to give notice to the public generally of its intention to pass certain by-laws, of the holding of certain required public meetings, and of other matters; and

NOW THEREFORE the Council of the City of Kingston HEREBY ENACTS as follows:

1. Definitions

As used in this by-law, the following terms shall have the meanings indicated:

CITY'S WEB SITE – The official City of Kingston Internet web site.

Municipal Act – The *Municipal Act, 2001, S. O. 2001, c.25*.

NEWSPAPER – The same meaning as in subsection 29(1) of the *Interpretation Act, as amended*, which presently reads as follows: A printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than a week, consisting in great part of news of current events of general interest and sold to the public and regular subscribers.

NOTICE TO THE PUBLIC or PUBLIC NOTICE – Notice given to the public generally, but does not include notice given only to specified persons.

NOTICES PAGE – The subdirectory on the City's web site where notices are posted.

2. Application

- A. Where the City is required to give notice to the public under a provision of the Municipal Act, the notice shall be given in a form and manner and at the times indicated in this by-law, unless:
- (1) The *Municipal Act*, another Act or a regulation prescribes otherwise for the notice to the public;
 - (2) The requirements for notice to the public are prescribed in another by-law; or
 - (3) Council directs that other public notice is to be given that Council considers adequate to give reasonable notice under the provision.
- B. This by-law does not apply to notices that are otherwise provided for in Procedural By-Law No. 98-1, including a notice of motion that deals with the giving of public notice.

3. Notice to the Public

- A. The following are the general requirements for giving notice to the public by the City:
- (1) The notice shall be published once in a newspaper of general circulation in the City at least two weeks before the Committee of the Whole or Council meeting at which the matter will be first considered and an opportunity is provided for members of the public to speak to the matter.
 - (2) The notice shall be posted on the notices page of the city's web site for at least the two-week period immediately preceding the Committee of the Whole or Council meeting described in Subsection A(1).
 - (3) A notice given under Subsection A(1) and (2) is sufficient even if there are times during the two-week period when the City's web site is not accessible.
 - (4) A notice given under Subsection A(1) and (2) shall contain the following information:
 - a) A general description of the matter.
 - b) Where the matter relates to a defined location, sufficient particulars of the location such as reference to a municipal address or street intersection, or to a legal description or key map.
 - c) The date at which the matter will be considered at a Committee of the Whole or Council meeting.
 - d) Instructions on obtaining additional information, submitting comments or attending the Committee of the Whole or Council meeting.

- (5) If the matter is deferred at the Committee of the Whole or Council meeting no additional notice is required, except where the *Municipal Act* provides otherwise.
 - (6) If the matter is considered at a subsequent Committee of the Whole or Council meeting, no additional notice is required, except where the *Municipal Act* provides otherwise.
 - (7) The requirements in Subsection A (1) to (6) are minimum requirements, and the City Clerk, is authorized to give notice to the public in an extended manner if, in the opinion of the City Clerk and the Commissioner concerned with the matter, the extended manner is reasonable and necessary in the circumstances.
- B. The schedule of meetings as adopted by Council from time to time shall be posted on the City's web site, and the posted schedule may be revised by the City Clerk to include additional information on the meeting and any other public meetings of City.

Specific Notice Requirements

4. Notice under general requirements

Notice to the public generally for the following matters shall be given in accordance with the requirements in subsection 3A;

- A. A notice of intention to pass a by-law, as required under the Municipal Act provisions noted in brackets:
- (1) For permanently closing a highway (subsection 34(1)).
 - (2) For permanently altering a highway, if the alteration is likely to deprive any person of the sole means of motor vehicle access to and from the person's land over any highway (subsection 34(2)).
 - (3) Designating a highway as a controlled-access highway and prohibiting the construction or use of a private road, entrance, gate or other structure as a means of access to the highway (subsection 36(3)).
 - (4) Naming a highway or changing the name of a highway, a municipality shall give public notice of its intention to pass the by-law (section 47).
 - (5) To name or change the name of a private road (section 48).
 - (6) Respecting advertising devices, including signs (section 99).
 - (7) Changing the City's name (subsection 187(2)).

- (8) To change the composition of Council (subsection 217(2)).
 - (9) To divide or re-divide the municipality into wards or dissolve the existing wards (subsection 222(2)).
 - (10) A procedure by-law (section 238).
- B. A notice of a public meeting, as required under the Municipal Act provisions noted in brackets, respecting:
- (1) A proposed licensing by-law (subsection 150(4)).
 - (2) A licensing by-law (subsection 150(5)).
 - (3) A proposed business registry by-law (subsection 157(3)).
 - (4) A business registry by-law (subsection 157(4)).
 - (5) A restructuring proposal (subsection 173(3)).
- C. Notice of passing of a by-law to divide or re-divide the municipality into wards or dissolve the existing wards, as required under subsection 222(3) of the *Municipal Act*.
- D. Notice of improvements in service, as required under subsection 300(1) of the *Municipal Act*.
- E. Notice of another matter where notice is required to be given under the Municipal Act, unless an exception in Section 1 applies.
- 5. Notice of budget changes**

The following rules apply to public notice of Council's intention to adopt or amend a budget, as required under section 291 of the *Municipal Act*:

- A. Notice of intention to adopt a budget shall be given in accordance with the requirements in Section 2 A of the Council meeting at which the matter will be considered.
- B. If a proposed amendment to a budget will result in a change to the total tax-supported net levy or a change to any property tax rate, notice to the public shall be given in accordance with the requirements in Section 2 A of the Council meeting at which the matter will be considered.
- C. If a proposed amendment to a budget does not affect the tax supported net levy or property tax rates, adequate notice is given to the public by the schedule of Council meetings as posted on the City's web site and other Council agenda information provided to the public.

6. Closed Session

No notice shall be required under this by-law, where the provision of notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a closed session under Section 239 of the Municipal Act.

7. Emergency Provision

If a matter arises, which in the opinion of the Chief Administrative Officer, in consultation with the Mayor, is considered to be of an urgent or time sensitive nature, or which could affect the health or well-being of the residents of the City of Kingston, or if a State of Emergency is declared, or is so advised by a Provincial Ministry, the notice requirements of the this by-law may be waived and the Clerk shall make best efforts to provide as much notice as is reasonable under the circumstances.

8. Transition

Despite Section 3, if before January 1, 2003, public notice of a matter listed in Section 3 has been given or commenced as prescribed under the *Municipal Act*, R.S.O. 1990, c. M-45, as it read immediately before its repeal, that notice is considered to be adequate to give reasonable notice for purposes of the public notice required under the *Municipal Act*.

9. This by-law comes into force on January 1, 2003.
