



Public Notice Policy

Policy Number	POL-64
Effective	September 20 2022
Review Date	Not scheduled
Final Approver	Council
Training Course Code	Not applicable
Document State	CURRENT

1.0 Purpose

The purpose of this policy is to provide a list of matters for which public notice is required by legislation or deemed by the City to require public notice, the form and manner in which notice must be given, and the minimum time for providing such notice.

2.0 Persons Affected

2.1 This policy applies to:

- 2.1.1 Council;
- 2.1.2 The Clerk; and
- 2.1.3 All City employees.

3.0 Policy Statement

3.1 Interpretation

- 3.1.1 All capitalized terms used in this policy have the meanings ascribed to them in the Related Definitions section.
- 3.1.2 All references to “days” in this policy are to calendar days, including Saturdays, Sundays and holidays, except as otherwise specifically provided.

3.2 It is the policy of the City to ensure that:

- 3.2.1 Where the City is required to give Public Notice under a provision of the Act, the notice must be given in the form and manner and at the times indicated in Appendix A – Notice Requirements to this policy, unless:
 - i. The Act, another statute, or a regulation prescribes or permits otherwise;

- ii. The requirements for notice are prescribed in another policy or resolution; and/or
 - iii. Council directs that other public notice is to be given, as Council considers appropriate in the circumstances.
- 3.2.2 Appendix B – Content of Public Notices to this policy sets out the minimum requirements for public notices. Nothing in this policy is intended to prevent the use of more comprehensive methods of Public Notice or the provision of a longer Public Notice period.
- 3.2.3 No additional Public Notice will be required for subsequent meetings convened as a result of a deferral by City Council or by a Committee of Council, so long as the Public Notice requirements of this policy are satisfied for the initial meeting.
- 3.2.4 A Public Notice posted on the City website is deemed to be sufficiently given even if the City website is not accessible for all or any portion of the Public Notice posting period.
- 3.2.5 No Public Notice is required under the provisions of this policy where Council considers a matter in a meeting closed to the public pursuant to the Act.
- 3.2.6 The Public Notice requirements of this policy may be waived by the Chief Administrative Officer, in consultation with the Mayor, where:
- i. An urgent or time sensitive matter arises;
 - ii. A matter arises which could affect the health or wellbeing of the residents of the City of Kingston; or
 - iii. A state of emergency is declared under the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9, as amended or replaced from time to time, or is so advised by a provincial ministry.
- If the Public Notice requirements are waived in accordance with this section, the Clerk will use best efforts to provide as much notice as is reasonable under the circumstances.
- 3.2.7 Where possible, Public Notices will be produced in a manner that encourages participatory democracy, as detailed in Appendix C – Enhancing Public Engagement Opportunities.

Employees

- 3.3 Any employee who breaches this policy may be subject to discipline up to and including dismissal.

4.0 Responsibilities

- 4.1 Council is responsible for approving and directing compliance with this policy.
- 4.2 The City Clerk is responsible for making updates to this policy as a result of changes to the Act or other provincial legislation.
- 4.3 Employees are responsible for compliance with this policy. Any employee who breaches this policy may be subject to discipline up to and including dismissal.

Breach of Policy

- 4.4 Employees are responsible for compliance with this policy and shall be aware that any employee who breaches this policy may be subject to discipline up to and including dismissal.

5.0 Approval Authority

Role	Position	Date Approved
Subject Matter Expert	Deputy City Clerk	
Legal Review	Senior Legal Counsel	
Management Review	City Clerk	
Final Approval	Council	Sept. 20, 2022

6.0 Revision History

Effective Date	Revision #	Description of Change

7.0 Appendix

7.1 Appendix A – Notice Requirements Contained in the Municipal Act

7.1.1 Section 27 – Highway Bylaws

Municipal Act requirement: None

City of Kingston notice requirement: Notice to be posted to City website two weeks prior to Committee or Council meeting at which the Subject Matter is being considered.

7.1.2 Section 34 – Permanent Closure of Highway

Municipal Act requirement: None

City of Kingston notice requirement: Notice to be posted to City website two weeks prior to Committee or Council meeting at which the Subject Matter is being considered.

7.1.3 Section 48 – Change/Naming of Private Roads

Municipal Act requirement: A local municipality may name or change the name of a private road after giving public notice of its intention to pass the by-law.

City of Kingston notice requirement: Notice to be posted to City website, and published in Newspaper, two weeks prior to Committee or Council meeting at which the Subject Matter is being considered.

7.1.4 Section 129(a) – Health, Safety & Nuisance – Noise

Municipal Act requirement: None

City of Kingston notice requirement: For exemption requests from the provisions of By-Law Number 2004-52, A By-Law to Regulate Noise that are not subject to delegated authority pursuant to the By-Law, notice to be posted to the City website, and published in the Newspaper, allowing for 10-day public comment period prior to the Committee or Council meeting at which the Subject Matter is being considered.

7.1.5 Section 151 – Business Licensing

Municipal Act requirement: None

City of Kingston notice requirement: Notice to be posted to City website two weeks prior to Committee or Council meeting at which any by-law to license businesses under Section 151 is being considered.

7.1.6 Section 173 – Proposal to Restructure

Municipal Act requirement: Before the council of a municipality votes on whether to support or oppose a restructuring proposal, the council shall or may, as applicable, do the following things when the proposal is being developed or after it is developed:

1. Council shall consult with the public by giving notice of, and by holding, at least one public meeting.
2. Council shall consult with such persons or bodies as the Minister may prescribe.
3. Council may consult with such other persons and bodies as the municipality considers appropriate

City of Kingston notice requirement: Council shall hold at least one public meeting. Notice to be posted to City website two weeks prior to Committee or Council meeting at which the Subject Matter is being considered.

7.1.7 Section 187 – Change of Name of Municipality

Municipal Act requirement: None

City of Kingston notice requirement: Council shall hold at least one public meeting. Notice to be posted to City website two weeks prior to Committee or Council meeting at which the Subject Matter is being considered.

7.1.8 Sections 204 – 210 – Business Improvement Areas

Municipal Act requirement: Before passing a by-law under subsection 204(1), clause 208(2)(b), subsection 208(3) or section 209, notice of the proposed by-law shall be sent by prepaid mail to the board of management of the improvement area, if any, and to every person who, on the

last returned assessment roll, is assessed for rateable property that is in a prescribed business property class which is located:

- a. (a) where the improvement area already exists, in the improvement area and in any geographic area the proposed by-law would add to the improvement area; and
- b. (b) where a new improvement area would be created by the proposed by-law, in the proposed improvement area.

City of Kingston notice requirement: As required by the Act.

7.1.9 Section 211 – Business Improvement Areas – Repeal of By-law

Municipal Act requirement: Council shall give notice in accordance with subsection 210(1) of a proposed by-law to repeal a by-law under subsection 204(1). Council shall give the notice within 60 days after receiving the resolution or request. Recipients are to respond within 60 days after the day of mailing of notices.

City of Kingston notice requirement: As required by the Act.

7.1.10 Section 216 – Dissolution of Local Boards

Municipal Act requirement: None

City of Kingston notice requirement: Notice by mail to local board two weeks prior to Committee or Council meeting at which the Subject Matter is being considered.

7.1.11 Section 217 – 219 – Composition of Council of Local Municipality

Municipal Act requirement: Before passing a by-law described in section 218 the municipality shall give notice of its intention to pass the by-law or resolution and shall hold at least one public meeting to consider the Subject Matter.

City of Kingston notice requirement: As required by the Act.

7.1.12 Section 222 – Establishment of Wards

Municipal Act requirement: Within 15 days after a by-law described in subsection (1) is passed, the municipality shall give notice of the passing of the by-law to the public specifying the last date for filing a notice of appeal under subsection.

City of Kingston notice requirement: Council shall hold at least one public meeting. Notice to be posted to City website two weeks prior to Committee or Council meeting at which the Subject Matter is being considered.

Notice to be published in Newspaper and posted to City website within 15 days of passing of by-law.

7.1.13 Section 238 – Procedural By-law

Municipal Act requirement: None

City of Kingston notice requirement: Notice to be posted to City website two weeks prior to Committee or Council meeting at which any changes to the procedural by-law or introduction of a new procedural by-law is being considered.

7.1.14 Section 270(1) – Adoption of Policies – Sale and Disposition of Land

Municipal Act requirement: None

City of Kingston notice requirement: Notice to be posted to City website two weeks prior to Committee or Council meeting at which the Subject Matter is being considered.

7.1.15 Section 290 – Yearly Budget, Local Municipalities

Municipal Act requirement: None

City of Kingston notice requirement: Notice to be posted to City website two weeks prior to Committee or Council meeting at which the annual budget is to be considered.

7.1.16 Section 295 – Publication of Financial Statements

Municipal Act requirements: Within 60 days after receiving the audited financial statements of the municipality for the previous year, the treasurer of the municipality:

- a. (a) shall publish in a newspaper having general circulation in the municipality,
 - i. (i) a copy of the audited financial statements, the notes to the financial statements, the auditor's report and the tax rate information for the current and previous year as contained in the financial review, or
 - ii. (ii) a notice that the information described in subclause (i) will be made available at no cost to any taxpayer or resident of the municipality upon request; and
- b. (b) may provide the information described in subclause (a) (i) or (ii) to such persons and in such other manner as the treasurer considers appropriate.

If a request is made under subsection (1), the treasurer shall provide a copy of the information to the taxpayer or resident at no cost

City of Kingston notice requirement: As required by the Act.

7.1.17 Section 308(22) – Establishment of Tax Ratios

Municipal Act requirements: The Minister may make regulations requiring municipalities that establish tax ratios to give notice of the tax ratios to such persons and in such manner as prescribed.

City of Kingston notice requirement: As required by the Act.

7.1.18 Section 351 – Seizure

Municipal Act requirements: Subject to certain conditions, if taxes on land remain unpaid after the due date, the treasurer or the treasurer's agent may seize personal property to recover the taxes and costs of the seizure. The treasurer or the treasurer's agent shall give the public notice of the time and place of the public auction and of the name of the person whose personal property is to be sold.

City of Kingston notice requirements: Notice to be posted to City website and published in Newspaper two weeks prior to the auction. Written notice to be sent by mail three weeks prior to auction to sheriff, bailiff, assignee, liquidator, trustee, or licensed trustee in bankruptcy, as

appropriate.

7.1.19 Section 356 – Division into Parcels

Municipal Act requirements: Upon application by the treasurer of a local municipality or to the treasurer by an owner of land, the local municipality may:

- a. (a) divide, for the purposes of this section, land which is assessed in one block into two or more parcels if each parcel is one that can be legally conveyed under the Planning Act;
- b. (b) apportion the unpaid taxes on the land among the parcels,
 - i. (i) in proportion to their relative value at the time the assessment roll for the year in which the application is made was returned, or
 - ii. (ii) if council is of the opinion that an apportionment under subclause (i) is not appropriate due to special circumstances, any other manner; and
- c. (c) direct what proportion of any part payment of taxes on the land is to be applied to each of the parcels.

On or before September 30 of the year following the year in which the application is made, council shall,

- a. (a) hold a meeting at which the applicants and owners of any part of the land may make representations to council;
- b. (b) notify the applicants and owners of the meeting by mail sent at least 14 days before the meeting; and
- c. (c) make its decision.

Within 14 days after making its decision, council shall notify the applicants and owners of the decision and specify the last day for appealing the decision.

City of Kingston notice requirements: As required by the Act.

7.1.20 Section 357 – Cancellation, Reduction, Refund of Taxes

Municipal Act requirements: Upon application, and subject to certain conditions, the local municipality may cancel, reduce or refund all or part of taxes levied on land in the year in respect of which the application is made.

On or before September 30 of the year following the year in respect of which the application is made, council shall:

- a. (a) hold a meeting at which the applicants may make representations to council;
- b. (b) notify the applicants of the meeting by mail sent at least 14 days before the meeting; and
- c. (c) make its decision.

Within 14 days after making its decision, council shall notify the applicants of the decision and specify the last day for appealing the decision

City of Kingston notice requirements: As required by the Act.

7.1.21 Section 358 – Overcharges Due to Gross or Manifest Error

Municipal Act requirements: Upon receipt of an application, and subject to certain conditions, the municipality may cancel, reduce or refund all or part of taxes which were overcharged due to a gross or manifest error in the preparation of the assessment roll.

The treasurer shall send a copy of the application to the assessment corporation and the registrar of the Assessment Review Board.

If an application is not valid under subsection (5), the treasurer shall notify the applicant in writing of the reasons it is not valid.

On or before September 30 of the year following the year in which the application is made, council shall:

- a. (a) hold a meeting at which the applicant may make representations to council;
- b. (b) notify the applicant of the meeting by mail sent at least 14 days before the meeting; and
- c. (c) make its decision.

Within 14 days after making its decision, council shall notify the applicant of the decision.

City of Kingston notice requirements: As required by the Act.

7.1.22 Section 359 – Increase of Taxes as Result of Undercharge by Gross or Manifest Error

Municipal Act requirement: Upon receipt of an application by the treasurer, the municipality may increase the taxes levied when the taxes were undercharged due to a gross or manifest error.

Council shall:

- a. (a) hold a meeting at which the treasurer and the person in respect of whom the application is made may make representations to council;
- b. (b) notify the treasurer and the person in respect of whom the application is made of the meeting by mail sent at least 14 days before the meeting; and
- c. (c) make its decision.

Within 14 days after making its decision, council shall notify the treasurer and the person in respect of whom the application is made of the decision and specify the last day for appealing the decision.

City of Kingston notice requirements: As required by the Act.

7.1.23 Section 379 & 381 – Tax Arrears Certification – Public Notice

Municipal Act requirements: If the cancellation price remains unpaid 280 days after the day the tax arrears certificate is registered under section 373, the treasurer, within 30 days after the expiry of the 280-day period, shall send to the persons entitled to receive notice under section 374 a final notice that the land will be advertised for public sale unless the cancellation price is paid before the end of the one-year period following the date of the registration of the tax arrears certificate.

If at the end of the one-year period the cancellation price has not been paid the land shall be offered by public auction or public tender. The treasurer shall make a statutory declaration stating the names of the persons to whom notice was sent previously and advertise the land for sale once in The Ontario Gazette and once a week for four weeks in a newspaper that, in the opinion of the treasurer, has such circulation within the municipality as to provide reasonable notice of the sale. After the sale is made, and within 60 days after making a subsequent statement and payment to the Superior Court of Justice, the treasurer shall send a copy of the statement to the Public Guardian and Trustee and to the persons to whom notice was previously sent.

Any notice required to be sent may be given by personal delivery or be sent by certified or registered mail.

City of Kingston notice requirements: As required by the Act.

7.1.24 Section 391 – Fees and Charges By-law

Municipal Act requirements: None

City of Kingston notice requirements: Public notice for the adoption of or an amendment to the Fees and Charges By-law is given through posting the meeting schedule and Council or Committee agendas on the City website.

7.1.25 Section 400 – Fees and Charges – Regulations

Municipal Act requirements: The Minister may make regulations regarding fees and charges with priority lien status, including a requirement that the municipality give notice of its intention to pass a by-law imposing fees and charges which will have priority lien status.

City of Kingston notice requirements: As required by the regulation.

7.1.26 Section 402- Notice of Debt

Municipal Act requirements: Upon receipt of an application of a municipality to incur a debt, the Ontario Land Tribunal may direct the municipality to give notice of the application to such persons and in such manner as the Tribunal determines.

City of Kingston requirements: As required by the Tribunal.

7.2 Appendix B – Content of Public Notices

1. Notice to the Public shall contain the following information when applicable:

1. A general description of the Subject Matter under consideration or otherwise involved;
2. Where the Subject Matter relates to a defined location, sufficient particulars of the location to identify it generally, such as reference to a municipal address or street intersection, or a legal description or plan or key map;
3. Purpose of any meeting of which Public Notice is required to be given or the purpose and effect of the proposed action;
4. Identification of the authority under which the Public Notice is being given;

5. Date, time and location of any meeting at which the Subject Matter will be considered of which Public Notice is required to be given;
 6. Where written submissions may be made, or where delegations for the purpose of providing a verbal submission can be registered, the name and title of the person to whom they are to be sent, together with the email and office address of the official and the deadline for receipt of such submissions; and
 7. That the Public Notice is given by The Corporation of the City of Kingston, or by the City Clerk on its behalf.
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7.3 Appendix C – Enhancing Public Engagement Opportunities

1. Where possible, Public Notice shall be written in Plain Language and in an accessible manner. Public Notice shall incorporate the following strategies to enhance participatory opportunities for the public:
 1. Ability to scan for information: Make use of short sentences and paragraphs, and headers.
 2. Ease of reading: Use simple sentence structure and grammar.
 3. Target audiences: Anticipate their interests and address potential enquiries.
 4. Images: Use images, especially if it helps readers understand the message.
 5. Where matters are known to affect identified individuals, direct notice shall be given to such individuals.
2. Public Notice, where appropriate, will be given in a manner consistent with the key principles contained in the City of Kingston Public Engagement Framework.

Related Definitions

Act

means the Municipal Act, 2001, S.O. 2001, c.25 as amended from time to time, and includes any legislation made thereunder.

City website

means the website maintained by the City of Kingston.

Clerk

means the person appointed by the City as the Clerk in accordance with section 228(1) of the Municipal Act, 2001.

Newspaper

has the same meaning as indicated in Subsection 87 of the *Legislation Act, 2006*.

Plain Language

is a way of writing, organizing and presenting information so that it makes sense and is easy to read. Plain Language means presenting information with straightforward vocabulary and sentence structures and by organizing material clearly and logically, to ensure that messaging is clearly understood.

Public Notice

means notice given to the public generally but does not include notice given only to specified persons.

Subject Matter

means the issue, measure, requirement, meeting, or other matter in respect of which Public Notice is being given.