



# CORPORATION OF THE TOWN OF COBOURG

**Division:** Corporate Services

**Effective Date:** July 14, 2014

**Department:** Legislative Services

**Approval Level:** Council

**Policy Title:** Public Notice  
- Administration

**Section #** 3-1  
**Policy #** LEG-ADM7

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## Purpose

Section 270 (1)(4) of the *Municipal Act, 2001*, affirms that the municipality shall adopt and maintain a policy with respect to the circumstances in which the municipality shall provide notice to the public.

In accordance with the provisions contained in the Municipal Act, Planning Act, another Act or a regulation, the public notice policy sets out if notice is to be provided, the minimum notice requirements, a list of the matters for which public notice is required, and the form and the manner in which the notice is to be given.

## Policy

### 1. APPLICATION

Where the Town of Cobourg is required to give Public Notice under the provision of the Act, the notice shall be given in a form and manner and at times indicated in this policy, unless:

- The Act, another statute, or regulation prescribes or permits otherwise;
- the requirements of notice are prescribed in a another policy or resolution;
- Council directs that other public notice is to be given that Council considers adequate to give reasonable notice under the provision;
- this policy does not apply to notices that are otherwise provided for in the Town of Cobourg's Procedural By-law, including a notice of motion that deals with the giving of a public notice; and
- the manner and form of notice dictated in this policy shall be deemed minimum requirements. Additional methods of giving notice may be undertaken at the discretion of the Municipal Clerk.

### 2. SPECIFIC NOTICE REQRUMENTS

Notice to the public generally for the following matters shall be given in accordance with Schedule "A" attached to this policy.

- a) Notice of intention to pass a by-law regarding road allowances/highways for:
  - i) permanently closing a highway;



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- ii) 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;
  - iii) 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;
  - iv) naming a highway or changing the name of a highway;
  - v) to name or change the name of a private road.
- b) Notice of intention to pass a by-law regarding municipal governance as follows:
- i) to change the composition of Council;
  - ii) to divide or re-divide the municipality into wards;
  - iii) a procedural by-law;
  - iv) restructuring proposal;
  - v) business improvement area (expanding/repealing);
  - vi) dissolution of local boards;
  - vii) sale of land procedures;
  - viii) adopt annual budget;
  - ix) temporary road closures – scheduled construction;
  - x) temporary road closures for festivals and events;
  - xi) other notices to be published at the direction of Council.
- c) Notice as regulated and prescribed by the Planning Act, Municipal Statute Law Amendments Act, Development Charges Act or any other legislation.

### 3. POLICY PROVISIONS

- a) Where the Municipality is required to give public notice pursuant to this policy the notice shall be given in accordance with the Act and in the following the requirements for giving notice to the public by the Town of Cobourg as set out in Schedule "A" of this policy.
- b) Where notice is required to be given and the timing of such notice is not prescribed in the Act or other applicable legislation, the Clerk shall cause such notice to be published in a local newspaper and posted on the Municipal website at least fourteen (14) calendar days prior to the proposed action being taken.
- c) The annual schedule of Regular meetings of Council and Committee of the Whole meetings shall be posted on the Municipal Website.



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- d) Notice of annual scheduled meetings of Council, or any of its local boards, or of any committee shall be given in the manner provided in the applicable Procedural By-law and shall be posted on the Municipal Website.
- e) In circumstances where the notice to the Municipal Clerk is delayed as to the need for a public notice to be issued, the Clerk shall use the most efficient means in getting the notice out to the public.

## 4. CONTENT OF PUBLIC NOTICE

Unless otherwise prescribed in the Act or other applicable legislation, the form of the notice of intention to pass a by-law or a public meeting shall include but not be limited to:

- a) the date;
- b) time and location of the meeting;
- c) a general description of the subject matter under consideration or otherwise involved;
- d) where a 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;
- e) purpose of meeting of which notice is required to be given or the purpose and effect of the proposed action;
- f) identification of the authority under which the notice is being given;
- g) instructions on who to contact and/or how to obtain additional information, submitting comments or details on attending the meeting;
- h) deadlines, where appropriate; and
- i) that the Notice is given by The Corporation of the Town of Cobourg, or by the Municipal Clerk on its behalf.

## 5. CLOSED SESSIONS

No notice shall be required under this policy, 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.



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## 6. 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 healthy or well-being of its citizens of the Town of Cobourg, or if a State of Emergency is declared, or is so advised by a Provincial Ministry, the notice requirements of this policy may be waived and the Municipal Clerk shall make best efforts to provide as much notice as is reasonable under the circumstances.

## 7. REVIEW PERIOD

This policy shall be reviewed every four years and will be revised in light of any changes in legislation.

### Definitions

**“Act”** shall mean the *Municipal Act, 2001, S.O. 2001, c.25* as amended from time to time, and includes any regulation made there under.

**“Chief Administrative Officer”** shall mean the Chief Administrative Officer for the Town of Cobourg.

**“Council”** shall mean The Council of the Corporation of the Town of Cobourg.

**“Meeting”** shall mean any regular, special, committee or other meeting of Council of a local board or of a committee of either of them.

**“Municipal Clerk”** shall mean the Clerk of the Corporation of the Town of Cobourg.

**“Municipal Website”** shall mean the official Town of Cobourg interactive Municipal website [www.cobourg.ca](http://www.cobourg.ca) where all public notices are posted.

**“Newspaper”** shall mean as indicated in Subsection 87 of the Legislation Act 2006, which reads as follows, in a provision requiring publication, means a document that; is printed in sheet form, published at regular intervals of a week or less and circulated to the general public; and consists primarily of news, of current events, of general interest; (“journal”).

**“Notice”** shall mean a written, printed, published or posted notification of other announcement containing information about a future event or public meeting or such notice as is otherwise provided by this policy and given to the public generally, but does not include notice given only to specified person unless otherwise specified in the Planning Act and other



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legislation.

**“Procedural By-law”** shall mean a by-law passed by the Council to establish rules of order and procedures to govern the proceedings of the Municipal Council of the Town of Cobourg including governing the calling, place and proceedings of meetings, including public notice of such meetings.

**“Public Notice”** or **“Notice to the Public”** shall mean notice given to the public generally, but does not include notice given only to specified persons.

## Scope

This policy shall apply to Municipal Council Members, and Advisory Committees, the CAO, Division Directors and the Municipal Clerk or Designates.


## Administration

The Chief Administrative Officer hereby designates Municipal Clerk to implement and administer the terms of this policy.

## Cross Reference

Policy #

Procedure #

Resolution # 380-14	Revision Description:	Signature/Municipal Clerk: 	Council Approval Date: July 14, 2014
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## Schedule "A"

<b>Municipal Act Section and Section:</b>	<b>Requirement of Municipal Act:</b>	<b>Town of Cobourg Notice Requirements:</b>
<b>s.34(1)</b> Permanently Closing a Highway	Notice required for intention to pass a By-Law.	Notice to be published twice in the newspaper, first shall be within 2 weeks, and the second notice shall be published not later than 1 week prior to the Regular Council or Committee of the Whole meeting at which the matter is being considered.  Website posting 2 weeks prior to Committee or Council meeting at which the matter is being considered.
<b>s. 35</b> 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	Notice required for intention to pass a By-Law.	Notice to be published twice in the newspaper, first shall be within 2 weeks, and the second notice shall be published not later than 1 week prior to the Regular Council or Committee of the Whole meeting at which the matter is being considered.  Website posting 2 weeks prior to Committee or Council meeting at which the matter is being considered.





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<b>Municipal Act Section and Section:</b>	<b>Requirement of Municipal Act:</b>	<b>Town of Cobourg Notice Requirements:</b>
Change and/or Naming of a highway	Notice required for intention to pass a By-Law.	<p>Notice to be published twice in the newspaper, first shall be within 2 weeks, and the second notice shall be published not later than 1 week prior to the Regular Council or Committee of the Whole meeting at which the matter is being considered.</p> <p>Website posting 2 weeks prior to Committee or Council meeting at which the matter is being considered.</p>
<b>s.48</b> Name or change the name of a private road	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	<p>Notice to be published twice in the newspaper, first shall be within 2 weeks, and the second notice shall be published no later than 1 week prior to the Regular Council or Committee of the Whole meeting at which the matter is being considered.</p> <p>Website posting 2 weeks prior to Committee or Council meeting at which the matter is being considered.</p>
<b>s.217-219</b> Council Composition	Before passing a by-law described in section 218, the municipality shall give notice of its intention to pass the by-law and shall hold at least one public meeting to consider the matter.	<p>Council shall hold at least one public meeting</p> <p>Notice to be published in the newspaper 2 weeks prior to the public meeting.</p> <p>Website posting 2 weeks prior to the public meeting</p>



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<b>Municipal Act Section and Section:</b>	<b>Requirement of Municipal Act:</b>	<b>Town of Cobourg Notice Requirements:</b>
<b>s.222</b> Establishment of Wards	No requirement of a public meeting;  Within 15 days after a by-law 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	Council shall hold at least one public meeting  Notice to be published in the newspaper 2 weeks prior to the public meeting  Website posting 2 weeks prior to the public meeting  Notice to be published in the newspaper 15 days of passing of by-law.  Website posting within 15 days of passing by-law.
<b>s. 238</b> Procedural By-law	No public notice required prior to the passage of a procedural by-law.	Any change to the procedural by-law or the introduction of a new procedure by-law will require: Notice in the newspaper 2 weeks prior to the public meeting  Website posting 2 weeks prior to public meeting.





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<b>Municipal Act Section and Section:</b>	<b>Requirement of Municipal Act:</b>	<b>Town of Cobourg Notice Requirements:</b>
<b>s.173(3)</b> Restructuring Proposal	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: 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.	Council shall hold at least one public meeting  Notice to be published in the newspaper 2 weeks prior to the public meeting. May include notice by Minister)  Website posting 2 weeks prior to the public meeting.



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<b>Municipal Act Section and Section:</b>	<b>Requirement of Municipal Act:</b>	<b>Town of Cobourg Notice Requirements:</b>
<b>s.204-210</b> Business improvement Areas	A local municipality may designate an area as an improvement area and may establish a board of management. 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) where the improvement area already exists, in the improvement area, and in any geographical area the proposed by-law would add to the improvement area; and b) where a new improvement area would be created by the proposed by-law, in the proposed improvement area.	As required by the Act
<b>s. 216</b> Dissolution of Local Boards (excluding Police Services)	Public notice required for intention to pass by-law.	Notice by mail to local board 2 weeks prior to Committee or Council meeting at which matter is being considered.



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<b>Municipal Act Section and Section:</b>	<b>Requirement of Municipal Act:</b>	<b>Town of Cobourg Notice Requirements:</b>
<b>s.270.1</b> Sale of Land	A municipality shall adopt and maintain policies with respect to the sale and other disposition of land.	Notice to be published twice in the newspaper, first shall be within 2 weeks, and the second notice shall be published not later than 1 week prior to the Regular Council or Committee of the Whole meeting at which the matter is being considered.  Website posting 2 weeks prior to Committee or Council meeting at which the matter is being considered.
<b>s.290-291</b> Budget- Adopt or Amend	No public notice requirement	Notice to be published twice in the newspaper, first shall be within 2 weeks, and the second notice shall be published not later than 1 week prior to the Regular Council or Committee of the Whole meeting at which the matter is being considered.  Website posting 2 weeks prior to Committee or Council meeting at which the matter is being considered.
<b>s.391</b> Fees and Charges	Notice before passing a by-law to impose fees or charges	Notice is given to the public through posting the meeting schedule and committee or Council agendas on the Town website



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<b>Municipal Act Section and Section:</b>	<b>Requirement of Municipal Act:</b>	<b>Town of Cobourg Notice Requirements:</b>
Temporary Road Closures-Scheduled Construction	Public notice required for intention to pass by-law.	<p>Notice to be published twice in the newspaper, first shall be within 2 weeks, and the second notice shall be published not later than 1 week prior to the Regular Council or Committee of the Whole meeting at which the matter is being considered.</p> <p>Website posting 2 weeks prior to Committee or Council meeting at which the matter is being considered.</p> <p>When a By-law has been passed by Council there will be notice published in the newspaper within 2 weeks of passing the by-law, as well as posted on the Website within 2 weeks of passing the by-law.</p>



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<b>Municipal Act Section and Section:</b>	<b>Requirement of Municipal Act:</b>	<b>Town of Cobourg Notice Requirements:</b>
Temporary Road Closures for Festivals and Events	Public notice required for intention to pass by-law.	<p>Notice to be published twice in the newspaper, first shall be within 2 weeks, and the second notice shall be published not later than 1 week prior to the Regular Council or Committee of the Whole meeting at which the matter is being considered.</p> <p>Website posting 2 weeks prior to Committee or Council meeting at which the matter is being considered.</p> <p>When a By-law has been passed by Council there will be notice published in the newspaper within 2 weeks of passing the by-law, as well as posted on the Website within 2 weeks of passing the by-law.</p>