

Title:	Public Notice Policy
Number:	GOV-23-02
Approved By:	City Council
Administered By:	Legislative Services
Effective:	November 20, 2023

1.0 Purpose/ Background

This policy is intended to meet the requirements under Section 270(1)(4) of the Municipal Act, 2001, S.O. 2001, c. 25 (the “Act”) which requires the municipality to adopt 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.

2.0 Policy Statement

The purpose of this policy is to set out public notice provisions for matters affecting the public that are prescribed by legislation or deemed to warrant public notice.

3.0 Scope/ Application

This policy applies to instances where the municipality is required to give notice to the public under the Act or any other legislation or by-law unless Council directs other forms of notice that Council considers adequate for specific matters.

Statutory notice to the public under the Act, other legislation or by-law will be completed in accordance with this policy as well as any prescribed notice content, signage or mailing requirements.

Nothing in this policy prevents the Clerk from using additional methods of notice that, in the Clerk’s opinion are more effective or providing a longer notice period. Further, nothing in this policy prevents the Clerk from using the public notification methods contained in this policy for matters not otherwise required under this policy.

This policy does not apply to public relations materials including advertising, posters, brochures or event program advertisements.

4.0 Definitions

Act means the Municipal Act, 2001, S.O. 2001, c. 25., as may be amended.

Branch Web Representative means the individual staff member assigned in a City Branch responsible for posting material to the City’s website.

City means the Corporation of the City of Oshawa.

City Clerk or **Clerk** means the City Clerk of the City of Oshawa, or their designate.

Advertising means advertising that is placed to promote overall awareness of the City or on behalf of the Corporation

Council means Oshawa City Council as a whole.

City Facility(ies) means all physical property, buildings, facilities, lands, premises, goods and other assets owned, leased and/or maintained by the Corporation of the City of Oshawa.

Facility Distribution List (for the purposes of distribution of Public Notice Documents) means the Facility Managers.

Legislation Act means the Legislative Act, 2006, S.O. 2006, c. 21 Sched. F, as may be amended.

Ontario Heritage Act means the Ontario Heritage Act, R.S.O. 1990 c.O.18, as may be amended.

Procedure By-law means the By-law that outlines the process that Oshawa City Council follows to adopt bylaws, pass resolutions, and conducts business. It establishes rules of procedure by which Oshawa City Council and Standing Committees function and facilitate public participation.

Project Lead means the individual staff member responsible for a specific project or matter which requires notice to the public in accordance with this policy.

Public Bulletin Board means a bulletin board installed in a City Facility, visible to the general public during Regular Business Hours to be used for posting of Public Notices.

Public Notice Document means a document (either in hard copy or PDF) that is provided to City Facilities and/or other organizations for posting on public bulletin boards. A Public Notice Document will contain all of the necessary information for notice to the public as set out in Section 6.4 of this policy.

Regular Business Hours means the time period(s) as defined in the location-specific Access Policy of each City Facility.

Service Oshawa Distribution List (for the purposes of distribution of Public Notice Documents) means the Manager, Customer Service, the Supervisor, Customer Service, the Coordinator, Customer Service and the Customer Service Tech Admin.

5.0 Responsibilities

1. The Project Lead shall:

- a. Prepare a Public Notice Document providing all necessary details regarding the matter.

- b. Provide the Public Notice Document to their Branch Web Representative for posting to the Public Notices page on the City's Website.
 - c. Provide the Public Notice Document to the Facility Supervisors Distribution List and the Service Oshawa Distribution List.
 - d. Provide the Public Notice Document to other community stakeholders as may be appropriate (i.e. OSCC55+, Oshawa Public Libraries, etc.).
2. Branch Web Representatives shall:
- a. Post the Public Notice information and Public Notice Document to the City's website via the Public Notice feed.
 - b. Email communications@oshawa.ca to advise that a Public Notice has been posted and request social media messaging.
3. The Facility Distribution List and Service Oshawa Distribution List shall:
- a. Follow their usual process for posting to the Public Bulletin Board in their respective facilities for the period of time identified in the email.
4. Corporate Communications shall:
- a. Post the Public Notice information to the City's Corporate social media accounts, as appropriate.

6.0 Practice/ Procedures

Notice of Council meetings and the meetings of its Committees shall be given in accordance with the Procedure By-law.

6.1 Statutory Notice – Except Matters under Parts IV and V of the Ontario Heritage Act

Where the City is required to give notice to the public under a provision of any other legislation or regulation with the exception of notices required under Parts IV and V of the Ontario Heritage Act, the notice shall be given in accordance with the legislation or regulation.

Where a legislated notice requirement under an Act or Regulation must be provided but there are no suitable printed newspapers that meet the definition of a Newspaper under the Legislation Act (being a document in printed form, published at regular intervals of a week or less, is circulated to the general public and consists primarily of news of current events of general interest), notice shall be given in the form and manner set out in Section 6.4 of this policy as well as any prescribed notice content set out in the relevant legislation.

In the event of a conflict between the notice provisions of this policy and any other by-law or policy, the by-law or policy that, in the Clerk's opinion, prescribes more effective notice provisions shall prevail.

6.2 Statutory Notice – Matters under Parts IV and V of the Ontario Heritage Act

Where the City is required to publish notice under Parts IV and V of the Ontario Heritage Act, the process for providing notice to the public as set out in Section 6.4 of this policy shall be followed.

6.3 Other Notice to the Public

The City will give notice to the public as set out in Section 6.4 of this policy for the following matters:

Municipal Act Section	Action
34(1)	Permanently closing a Highway
40	Establishing Toll Highways
11	Naming or changing the name of a highway
48	Naming or changing the name of a private road
11	Passing or amending a by-law concerning advertising devices including signs
133	Passing or amending a by-law concerning the fortification of land
150	Passing or amending a licensing by-law
150	Passing or amending a by-law requiring the registry of businesses
187	Passing or amending a by-law to change the name of the municipality
217	Passing or amending a by-law to change the composition of City Council
222	Passing or amending a by-law with respect to the establishment or dissolution of wards
238(2)	Enacting a Procedure by-law
290	Adopting all or part of a budget
391	Passing or amending a by-law establishing a fee or charge

6.4 Process for Providing Notice

Where notice to the public is to be given in accordance with this policy:

1. Notice to the public shall be posted on the “Public Notices” page of the City’s website for at least the two-week period immediately preceding the Council or Committee meeting at which the matter will be considered and an opportunity is provided for members of the public to speak to or submit correspondence regarding the matter.
2. Notice to the public given under this section is sufficient even if there are times during the two-week period that the City’s website is not accessible.
3. A Public Notice Document will also be sent to City Facilities for posting on appropriate bulletin boards accessible to the public during Regular Business Hours. Notices will also be sent to other community stakeholders as determined by the Project Lead who will also be encouraged to post the notice on their respective public bulletin boards.
4. Unless otherwise prescribed, notice to the public given under this section shall contain the following information:
 - a) A general description of the matter;
 - b) The relevant section of the Act and/or regulations, if applicable;
 - c) The date, time and place of the meeting at which the matter will be considered;
 - d) Where the matter relates to specific lands, sufficient information regarding the location such as the municipal address, legal description or map;
 - e) Contact information and deadlines for submitting written comments or registering as a delegation;
 - f) Contact information for obtaining more information or clarification on the matter; and,
 - g) Contact information for obtaining the notice in an accessible manner.
5. A Public Notice Document must provide exactly the same information as a “Public Notices” page posting, and vice-versa, however the form or appearance may differ.
6. If a matter for which notice was given under this policy is deferred, continued, or otherwise delayed to a future meeting, no further notice is required provided a public statement is made at the meeting advising the matter will be considered a future meeting, specified in the statement.

7. Where notice is required to advise the public of Council's intent to pass or of passage of a by-law, such notice shall be posted on the "Public Notices" page of the City's website for the time period as required by legislation and a Public Notice Document will be sent to City Facilities for posting on appropriate bulletin boards accessible to the public during Regular Business Hours.

7.0 Monitoring and Evaluation

This policy is reviewed by the Director, Legislative Services/City Clerk or designate at least every three years to ensure its effectiveness and compliance with legislation and current business processes or as required based on legislative changes.

The Director, Legislative Services/City Clerk is authorized to make minor or housekeeping amendments to this policy, as required.

8.0 References

Provincial Legislation including but not limited to:

- Municipal Act, 2001, S.O. 2001, c. 25,
- Legislative Act, 2006, S.O. 2006, c. 21 Sched. F
- Ontario Heritage Act, R.S.O. 1990 c.O.18