

BYLAW NO. 1703

A BYLAW OF THE CITY OF NORTH BATTLEFORD IN THE PROVINCE OF SASKATCHEWAN TO OUTLINE PUBLIC NOTICE REQUIREMENTS

WHEREAS Section 8 of *The Cities Act*, provides, in part, as follows:

- “8(1) A city has a general power to pass any bylaws for city purposes that it considers expedient in relation to the following matters respecting the city:
- a) the peace, order and good government of the city.”

AND WHEREAS Section 102 of *The Cities Act*, provides, in part, as follows:

- “102 (1) If a council is required pursuant to this Act to give public notice of a matter in accordance with this section, the council shall provide notice:
- a) in the manner required in its public notice policy adopted pursuant to subsection (2); and
 - b) subject to subsection (3), at the time specified pursuant to its public notice policy.
- (2) Subject to the regulations, a council shall, by bylaw, adopt a public notice policy that sets out, with respect to any class or sub-class of matters for which public notice is, by this Act, to be given pursuant to this section:
- a) the minimum notice requirements;
 - b) the methods of notice to be followed; and
 - c) any prescribed matters.
- (3) Unless a longer time is specified, public notice must be given at least seven days before the council meeting at which the matter for which public notice is required is to be considered.”

NOW THEREFORE, THE COUNCIL OF THE CITY OF NORTH BATTLEFORD ENACTS AS FOLLOWS:

Short Title

1. This Bylaw may be cited as The Public Notice Policy Bylaw.

Part I Purpose and Definitions

Purpose

2. a) The purpose of this Bylaw is to set out the minimum notice requirements, the methods of notice to be followed and the minimum time for giving notice with respect to any matters for which public notice is required to be given by Council.
- b) The notice requirements set forth in this Bylaw are not intended to replace the specific notice requirements set forth in legislation and bylaws passed pursuant to that legislation (such as *The Planning and Development Act*, *The Local Government Election Act*, etc.) In the event of conflict, any specific notice requirements set forth in legislation and bylaws passed pursuant to that legislation, shall prevail.

Definitions

3. For the purpose of this Bylaw:
 - a) “**affected parties**” shall mean those members of the public who, in the sole discretion of the City, may be directly affected by the matter under consideration by City Council, to an extent greater than other members of the general public.
 - b) “**City Council**” means the elected officials of the City of North Battleford.
 - c) “**City Clerk**” means the person appointed as the City Clerk for the City of North Battleford.
 - d) “**clear days**” shall mean the number of calendar days, excluding the day of original posting, publishing, mailing or personal service, as the case may be, and, further, excluding the day of the Council meeting.
 - e) “**interested party**” means any person who has communicated in writing to City Council or the City Clerk respecting a matter and has provided a method of communication.

- f) “**personal service**” means the delivery of a notice by leaving notice of the matter in a mail receptacle for the address of the accepting party at least ten (10) clear days prior to the Council meeting at which the matter will initially be considered.

Part II
Matters For Which Notice Must Be Given

- 4. Public notice in accordance with this policy shall be given before Council initially considers the following matters:
 - a) prohibiting or limiting the number of businesses of a particular type in an area of the City or specifying separation distances between businesses of a particular type;
 - b) permanently closing or blocking off a street, lane or walkway;
 - c) permanently modifying an intersection with the use of physical barriers;
 - d) permanently closing a median opening;
 - e) borrowing money, lending money or guaranteeing the repayment of a loan;
 - f) moving capital moneys to an operating budget or reserve;
 - g) imposing a special tax or determining the use to which excess revenue from a special tax is to be put;
 - h) establishing an investment policy;
 - i) selling or leasing land for less than fair market value and without a public offering;
 - j) selling or leasing park lands and dedicated lands except where the land is covered by public notice provisions in an Act other than *The Cities Act*;
 - k) establishing a purchasing policy;
 - l) establishing a business improvement district;
 - m) setting remuneration for council or committee members;
 - n) increasing or decreasing the number of councillors on Council;

- o) appointing a wards commission and dividing the City into wards;
- p) amending or repealing a bylaw for which public notice was a requirement at the time the bylaw was passed;
- q) any matter where holding a public hearing is required under *The Cities Act* or any other Act except where the Act contains its own public notice provisions;
- r) discussing a matter at a public meeting held as a result of a petition signed by the required number of electors; and
- s) an amendment or repeal of a bylaw or resolution when the resolution or bylaw was passed as a result of a vote of the electors.

Part III Notice To The General Public

- 5. Notice shall be given to the general public for all matters set out in Section 4 in accordance with this section:
 - a) notice of the matter shall be posted at City Hall at least ten (10) clear days prior to the meeting at which Council will initially consider the matter; and
 - b) notice of the matter shall be posted on the City's website at least ten (10) days prior to the meeting at which Council will initially consider the matter.

Part IV Additional Notice – For Some Matters

- 6. 1) In addition to the general notice requirements of Section 5, additional notice shall be given in accordance with Section 7 to all affected parties when Council is initially considering the following matters:
 - a) prohibiting or limiting the number of businesses of a particular type in an area of the City or specifying separation distances between businesses or a particular type;
 - b) permanently closing or blocking off a street, lane or walkway;
 - c) permanently modifying an intersection with the use of physical barriers;
 - d) permanently closing a median opening;

- e) imposing a special tax or determining the use to which excess revenue from a special tax is to be put; and
 - f) establishing a business improvement district.
- 2) Additional notice of the matters listed in Subsection 6(1) shall be given using either of the following methods:
- a) by mailing notice of the matter to all affected parties by ordinary mail which is to be postmarked no later than ten (10) clear days prior to the Council meeting at which the matter will initially be considered; or
 - b) by leaving notice of the matter in a mail receptacle at the address of the accepted party at least ten (10) clear days prior to the Council meeting at which the matter will initially be considered.

**Part V
Notice Of Further Dealings Respecting A Matter**

7. Notice requirements provided for in this Bylaw shall only be applied when Council initially considers a matter. For purposes of clarity, unless otherwise directed by Council, no notice, including notice to affected parties will be given of any subsequent meeting of Council at which the matter will be considered.

**Part VI
Discretion of Council**

8. The notice requirements set forth in this policy are the minimum requirements which must be complied with by the City. City Council may at its discretion require additional notice in specific cases.

**Part VII
Responsibilities of City Clerk**

9. The City Clerk shall be responsible to City Council for ensuring compliance with this Bylaw and may, in his/her absolute discretion:
- 1) refuse to place any item on the agenda of City Council, where there has been substantive non-compliance with the notice requirements of this Bylaw; or
 - 2) where there have been deficiencies in meeting the notice requirements provided for this Bylaw, place any item on the agenda of City Council, with a caution to members of City Council that the matter should be tabled pending full compliance with the notice requirements set forth in this Bylaw.

**Part VIII
Coming Into Force**

10. This Bylaw shall come into effect on the day of its final passing.

Read a first time this 20th day of January, 2003.

Read a second time this 20th day of January, 2003.

Read a third time and adopted this 20th day of January, A.D. 2003.

Wayne Ray
Mayor

Elaine Kostiuk
City Clerk