

CITY OF SASKATOON COUNCIL POLICY

NUMBER

C01-021

POLICY TITLE <i>Public Notice</i>	ADOPTED BY: <i>City Council</i>	EFFECTIVE DATE <i>January 6, 2003</i>
		UPDATED TO <i>January 29, 2018</i>
ORIGIN/AUTHORITY <i>Executive Committee Report No. 1-2003; Legislative Report No. 12-2004; Audit Committee Report No. 1-2007; Legislative Reports No. 3-2007 and 5-2007; Executive Committee Report No. 11-2009; Legislative Report No. 11-2011; Standing Policy Committee on Planning, Development and Community Services Report – December 18, 2017; City Council Item 9.11.2 – January 29, 2018- Bylaw 9485.</i>	CITY FILE NO. <i>CK. 255-2-1 and 185-1</i>	PAGE NUMBER <i>1 of 9</i>

Part 1 – The Cities Act

1. PURPOSE

The Cities Act requires Council to adopt a Public Notice Policy. Part 1 of this policy sets 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 under *The Cities Act*.

2. DEFINITIONS

- 2.1 Affected Parties – For the purposes of this Part, affected parties will be those members of the public who, in the sole discretion of the City, may be specially affected by the matter under consideration by Council.
- 2.2 Ten Days – For the purposes of this Part, ten days will be calculated using calendar days and including the day it is posted but excluding the day of the Council meeting.
- 2.3 Controlled Corporation – For the purposes of this Part, a controlled corporation means a controlled corporation as defined in *The Cities Act*.

3. MATTERS FOR WHICH NOTICE MUST BE GIVEN

Public notice in accordance with this policy shall be given before Council initially considers the following matters:

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- 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 or creating a median opening;
- e) borrowing money;
- e.1) lending money to a non-profit organization or to one of the City's controlled corporations or to a business improvement district established by the City, regardless whether the source or sources of money to be loaned is internal or external;
- e.2) guaranteeing the repayment of a loan between a lender and a non-profit organization or one of the City's controlled corporations or a business improvement district established by the City;
- 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 Part 2;
- k) establishing a purchasing policy;
- l) establishing a business improvement district;

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- 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;
- s) the amendment or repeal of a bylaw or resolution when the resolution or bylaw was passed as a result of a vote of the electors; and
- t) passing, amending or repealing a bylaw to establish general procedures to be followed in conducting business at council meetings.

4. NOTICE TO THE GENERAL PUBLIC

Notice shall be given to the general public for all matters set out in section 3 in accordance with this section:

- a) notice of the matter shall be published in a newspaper 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 or current events once at least seven days immediately prior to the meeting at which Council will initially consider the matter; and
- b) notice of the matter shall be posted at City Hall at least ten days prior to the meeting at which Council will initially consider the matter; and

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- c) notice of the matter shall be posted on the City's website at least ten days prior to the meeting at which Council will initially consider the matter.

5. ADDITIONAL NOTICE – FOR SOME MATTERS

5.1 In addition to the general notice requirements of section 4, **additional** notice shall be given in accordance with subsection 5.2 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 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 or creating 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.

5.2 **Additional** notice of the matters listed in subsection 5.1 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 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 affected party at least ten days prior to the Council meeting at which the matter will initially be considered.

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6. ADDITIONAL NOTICE – SALE OR LEASE OF PARK LANDS AND DEDICATED LANDS

6.1 In addition to the general notice requirements of section 4, **additional** notice shall be given to all affected parties when Council is initially considering selling or leasing park lands and dedicated lands except where the land is covered by public notice provisions in Part 2.

6.2 **Additional** notice of the matter listed in subsection 6.1 shall be given to all affected parties by:

- a) posting a notice on the land to be sold or leased at least ten days prior to the Council meeting at which the matter will initially be considered; **and**

using either of the following methods:

- b) by mailing notice of the matter to all affected parties by ordinary mail which is to be postmarked no later than ten days prior to the Council meeting at which the matter will initially be considered; **or**
- c) by leaving notice of the matter in a mail receptacle at the address of the affected party at least ten days prior to the Council meeting at which the matter will initially be considered.

7. DISCRETION OF COUNCIL

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

8. NO NOTICE OF SUBSEQUENT MEETINGS

Notice will be given in accordance with this policy only when Council initially considers a matter. Unless otherwise directed by Council, no notice will be given of any subsequent meeting of Council at which the matter will be considered.

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9. RESPONSIBILITIES

9.1 General Managers

- a) The General Manager of the applicable department will be responsible for providing the City Clerk's Office and the Communications Branch with the required notices in time to meet the publishing and posting requirements of this policy.
- b) The General Manager of the applicable department will be responsible for completing the notices required to be given by mail or left in the mail receptacles and advising the City Clerk that they have been completed.
- c) The General Manager of the applicable department will be responsible for posting any site signs and advising the City Clerk that they have been posted.

9.2 City Clerk

The City Clerk will be responsible for ensuring that items are not placed on the Council agenda unless notice has been given in accordance with this policy.

Part 2 – *The Planning and Development Act, 2007*

10. PURPOSE

The Planning and Development Act, 2007 allows a Council which has been designated as an approving authority to adopt a public notice policy for giving notice with respect to any matters for which public notice is required to be given under *The Planning and Development Act, 2007*.

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11. MATTERS FOR WHICH NOTICE MUST BE GIVEN

Public notice in accordance with this Part shall be given before Council initially considers the following matters:

- a) the adoption, amendment or repeal of a bylaw for a development plan or zoning bylaw except an amendment to remove the holding symbol “H”;
- b) an application for discretionary use approval or the amendment of a discretionary use approval;
- c) the adoption, amendment or repeal of a bylaw authorizing the sale of a buffer strip or municipal reserve;
- d) the voiding of a rezoning agreement; and
- e) the passing of a resolution to adopt or amend a concept plan.

12. NOTICE REQUIREMENTS

12.1 Public notice for all matters set out in section 11, except for discretionary uses pursuant to subsection 11(b) and concept plans pursuant to subsection 11(f), shall be given in accordance with this subsection:

- a) notice of the matter shall be published in a newspaper 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 or current events prior to the date on which the matter will be considered by Council;
- b) the notice required under clause (a) must:
 - i) in the case of a proposed new development plan or new zoning bylaw, be published at least three weeks prior to the date on which the matter will be considered by Council;

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- ii) in the case of all matters other than as provided in subclause (i), be published at least two weeks prior to the date on which the matter will be considered by Council.

12.2 Public notice for consideration of an application for discretionary use approval or amendment to a discretionary use approval shall be given in accordance with this subsection:

- a) the Community Services Department will set a date for the meeting at which the application will be considered by Council and will give notice by ordinary mail to assessed owners of property within 75 metres of the subject site and to the community association for the area in which the subject site is located; and
- b) the Community Services Department will prepare on-site notification posters which must be placed on the site by the applicant for discretionary use approval or amendment and must remain on the site until the application is considered by Council.

12.3 Public notice for the consideration of a resolution to adopt or amend a concept plan shall be given by publishing a notice of the matter in a newspaper 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 or current events once at least seven days prior to the date on which the matter will be considered by Council.

13. CONTENTS OF NOTICE

The notice required by subsection 12.1 must:

- a) contain a summary of the intent of the proposed bylaw or resolution;
- b) specify any places where and the hours during which the proposed bylaw or resolution may be inspected by any person;

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- c) specify any dates, places and times that Council will be holding a public hearing with respect to the proposed bylaw or the meeting at which it will consider the proposed resolution;
- d) outline the procedure by which the public hearing will be conducted;
- e) describe the affected area by:
 - i) reference to street names and addresses or commonly understood area designations;
 - ii) publication of a map of the area; or
 - iii) in the case of an amendment to a zoning bylaw, or development plan of general application that does not designate land for specific uses, a description of the type of property affected but not by the specific location of the property affected; and
- f) include a statement of specific reasons for and a detailed explanation of the proposal, in the case of:
 - i) a proposed amendment to a zoning bylaw; and
 - ii) an adoption, amendment or repeal of a bylaw authorizing the sale of a buffer strip or municipal reserve.

14. APPLICATION OF SECTION 7, 8 AND 9

Sections 7, 8 and 9 of Part 1 of this policy apply to Part 2 of this policy.