

**Authority:** Item 8, Corporate Administration  
Committee Report 06-013 (CL06007)  
CM: September 27, 2006

**Bill No. 278**

## **CITY OF HAMILTON**

### **BY-LAW NO. 06-278**

#### **A BY-LAW TO PRESCRIBE THE FORM AND MANNER FOR THE PROVISION OF PUBLIC NOTICE UNDER THE MUNICIPAL ACT, 2001**

**WHEREAS** section 251 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that where a municipality is required to provide notice under a provision of that Act, the municipality shall give the notice in a form and manner and at the times that Council considers adequate to give reasonable notice under the provision;

**AND WHEREAS** it is deemed advisable to pass and enact a by-law with respect to the giving of reasonable notice to the public from time to time under the *Municipal Act, 2001*, S.O. 2001, c. 25;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

**1. Definitions:**

In this by-law:

“Council” means the municipal council of the City of Hamilton;

“newspaper” means a printed publication in sheet form, intended for general circulation in the City of Hamilton, published regularly at intervals of not longer than a week, and consisting in great part of news of current events of general interest and,

“website” means the official City of Hamilton Internet website.

**2. Application**

- a) Where the City of Hamilton is required to give notice to the public under the *Municipal Act, 2001*, or a regulation made thereunder, the notice shall be given in a form and manner and at the times indicated in Schedule “A”, which is attached to and forms part of this by-law, unless:
  - i) notice is otherwise prescribed by statute or regulation, in which case notice shall be given in accordance with the statute or regulation;
  - ii) notice is otherwise prescribed in another by-law, in which case notice may be given either in accordance with this by-law or with the other by-law;
  - iii) Council directs that other notice is to be given as Council considers adequate in the circumstances; or,
  - iv) the City Manager determines that an emergency situation exists, in which case he or she may waive the notice prescribed in this by-law.
- b) No additional notice shall be required for subsequent meetings where a matter has been deferred or referred to a subsequent meeting by Council or by a Committee of Council.
- c) Nothing in this by-law shall be construed as requiring the giving of any notice in circumstances where there is no requirement that notice be given under the *Municipal Act, 2001* or a regulation made thereunder, or under another statute or regulation.
- d) The notice requirements under this by-law are minimum requirements and the City Clerk is authorized to give notice to the public in an extended manner if, in the opinion of the City Clerk and General Manager concerned with the matter, the extended manner is reasonable and necessary in the circumstances.

**3. Time Periods**

The time periods set out in Schedule “A” to this by-law shall be counted by excluding the day of the period on which notice is first given and including the day of the period on which the meeting or other event takes place.

4. The short title of this by-law shall be the "Public Notice By-law".
5. This by-law comes into force and effect on the date of its enactment.

**PASSED and ENACTED** this 27<sup>th</sup> day of September, 2006.

MAYOR

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CLERK

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## Schedule "A" to By-law No. 06-278

<b>PUBLIC NOTICE REQUIREMENTS</b>		
<b>Section of <i>Municipal Act, 2001</i>/Subject</b>	<b>Summary of <i>Municipal Act, 2001</i> requirement</b>	<b>Type and Frequency of Notice/Timing</b>
<u>Section 34:</u> Road closure/permanent alteration if access is deprived to any person Arterial, Major Collector, Collectors	Public notice required for intention to pass by-law.	One notice published in a newspaper 14 days prior to Committee meeting.
<u>Section 34:</u> Road closure/permanent alteration if access is deprived to any person Local Road	Public notice required for intention to pass by-law.	One notice published in a newspaper 14 days prior to Committee meeting.
<u>Section 34:</u> Road closure/permanent alteration if access is deprived to any person Lane	Public notice required for intention to pass by-law.	One notice published in a newspaper 14 days prior to Committee meeting.
<u>Section 36:</u> Road closure/permanent alteration if access is deprived to any person Controlled Access, Highway	Public notice required for intention to pass by-law.	One notice published in a newspaper 14 days prior to Committee meeting.  One notice served personally or by registered mail upon owners of abutting land.
<u>Section 41:</u> Permanently prohibiting motor vehicles on a highway	Public notice required for intention to pass by-law.	One notice published in a newspaper 14 days prior to Committee meeting.
<u>Section 47:</u> Naming highway or he-naming name of highway	Public notice required for intention to pass by-law.	One notice published in a newspaper 14 days prior to enactment of by-law.

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<u>Section 48:</u> Naming, or re-naming private road	Public notice required for intention to pass by-law.	One notice published in a newspaper 14 days prior to enactment of by-law.
<u>Section 99:</u> Advertising Devices (Signs)	Public notice required for intention to pass by-law.	One notice published in a newspaper 14 days prior to enactment of by-law.
<u>Section 150:</u> Licensing By-law General Licensing Powers	Public notice required to advise of holding of public meeting before enactment of by-law.	Two notices published in a newspaper, first notice a minimum 21 days prior to public meeting, second notice 7 days following the first notice.
<u>Section 157:</u> Registry of businesses Notice of public meeting to establish	Public notice required to advise of holding of public meeting before enactment of by-law.	Two notices published in a newspaper, first notice a minimum 21 days prior to public meeting, second notice 7 days following the first notice.
<u>Section 173:</u> Restructuring Proposal	Public notice required to advise of holding of public meeting before council votes on whether to support or oppose a restructuring proposal.	One notice published in a newspaper 14 days prior to public meeting.
<u>Section 187:</u> Changing name of Municipality Notice of public meeting	Public notice required to advise of holding of public meeting before enactment of by-law.	One notice published in a newspaper 14 days prior to public meeting.
<u>Section 216:</u> Dissolution of Local Boards (excluding Police Services Board)	Notice to local board regarding council's intention to pass by-law.	One notice by regular prepaid mail, mailed to local board 14 days prior to Council meeting.
<u>Section 217:</u> Changes to composition of Council Notice of public meeting	Public notice required to advise of holding of public meeting before enactment of by-law.	One notice published in a newspaper 14 days prior to public meeting.

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<u>Section 222:</u> Establishment of Wards	Public notice required to advise of holding public meeting before enactment of by-law.  After by-law passed, notice required on passing of by-law and specifying last date for filing a notice of appeal.	One notice published in a newspaper 14 days prior to public meeting.  One notice published in a newspaper within 15 days of enacting by-law.
<u>Section 238:</u> Procedure By-law Notice of intention to pass	Public notice required for intention to pass by-law.	One notice published in a newspaper 14 days prior to public meeting.
<u>Section 291:</u> Adopting or amending budget	Before adopting all or part of a budget, or amending such a budget, a municipality shall give public notice of its intention to adopt or amend the budget at a council meeting specified in the notice.	If a proposed amendment to a budget will result in a change to the total tax-supported net levy or a change to any property tax rate: one notice published in a newspaper 14 days prior to public meeting.  If a proposed amendment to a budget will not affect the tax supported net levy or change any property tax rate: notice through posting the schedule of Council meetings on the website or through other Council agenda information.
<u>Section 300:</u> Improvements in service	At least once each calendar year, the municipality must provide notice to the public of:  a) improvements in the efficiency and effectiveness of the delivery of services by the municipality and its local boards; and  b) barriers identified by the municipality and its local boards to achieving improvements in the efficiency and effectiveness of the delivery of services by them.	Notice through posting on the website or as designated by Minister.

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<u>Section 351:</u> Seizure personal property – Public Auction	Subject to certain conditions, the treasurer 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.	One notice published in a newspaper 14 days prior to public meeting.  One notice by regular pre-paid mail, mailed to sheriff, bailiff, assignee, liquidator, trustee or licensed trustee in bankruptcy 21 days prior to auction.
<u>Section 400 (O. Reg. 244/02 – section 14):</u> Fee & Charges – Regulations	Notice before passing a by-law to impose fees or charges, <i>except</i>  Fees or charges for the use of a waste management system, the use of a waste management system, the use of a sewage system or the consumption of water (O. Reg. 244/02 – section 12) <i>and</i> ,  Fees or charges for inspections or the issuance of permits for police or fire purposes (O. Reg. 244/02 – section 13)	One notice by regular pre-paid mail, mailed 21 days prior to passing the by-law to every person and organization that has, within 5 years before the day of the Council meeting, given the Clerk of the municipality a written request for notice of the intention to pass the by-law, containing a return address..