

Authority: Item 10, Audit & Administration
Committee Report 07-015
(CL07009)
CM: December 12, 2007

Bill No. 351

CITY OF HAMILTON

BY-LAW NO. 07-351

A BY-LAW TO ADOPT AND MAINTAIN A POLICY WITH RESPECT TO THE PROVISION OF PUBLIC NOTICE

WHEREAS paragraph 270(1)4 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a municipality shall adopt and maintain a policy with respect to the circumstances in which it shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given;

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

1. Definitions

In this by-law:

- a) "Committee" means a committee of the municipal council of the City of Hamilton;
- b) "Council" means the municipal council of the City of Hamilton; and
- c) "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.

2. Application

- a) This by-law, including Schedule "A" which is attached to and forms part of it, is the City of Hamilton policy with respect to the provision of public notice.

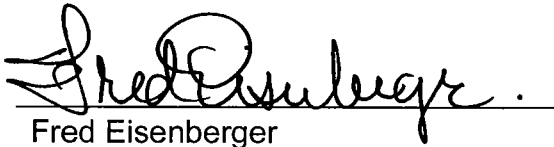
- b) Notice shall be provided in the circumstances indicated in Column 1 of Schedule "A" and in the form and manner and at the times indicated in Column 3 of Schedule "A", unless:
 - i) notice is otherwise prescribed by statute or regulation, in which case notice shall be given in accordance with the 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; 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.
- c) No notice is required to be provided in circumstances other than those indicated in Column 1 of Schedule "A", 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 shall be given in accordance with the other by-law; or
 - iii) Council directs that notice is to be given as Council considers adequate.
- d) 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.
- e) 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 of the City Department 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 Policy By-law".
5. City of Hamilton By-law No. 06-278 is repealed.
6. This by-law comes into force and effect on January 1, 2008.

PA SSED this 12th day of December, 2007.



Fred Eisenberger
Mayor



Kevin C. Christenson
City Clerk

Schedule "A" to By-law No. 07-351

PUBLIC NOTICE REQUIREMENTS		
Column 1	Column 2	Column 3
Circumstances	Summary of requirement	Form, Manner and Times
<p>Budget – Adopting Rate or Tax Budget (Section 290 and 291, <i>Municipal Act, 2001</i>)</p>	<p>Public notice required to advise of a minimum of one Committee meeting to consider the enactment of a rate or tax budget by-law. The notice shall specify when and where information in regard to such a by-law may be obtained and shall specify whether any fee or charge may be included.</p> <p>Despite any other provision of this By-law, no separate or additional public notice shall be required for a fee or charge that forms part of a rate or tax budget by-law for which public notice has been given under this provision.</p>	<p>One notice published in a newspaper a minimum of 14 days prior to the Committee meeting.</p>
<p>Enactment of a Fee or Charge By-law</p>	<p>Public notice required to advise of a minimum of one Committee meeting to consider the enactment of a fee or charge by-law. The notice shall specify when and where information in regard to such a by-law may be obtained.</p> <p>Despite any other provision of this By-law, no separate or additional public notice shall be required for a fee or charge for which public notice has been given under this provision.</p>	<p>One notice published in a newspaper a minimum of 14 days prior to the Committee meeting.</p>

Schedule "A" to By-law No. 07-351

PUBLIC NOTICE REQUIREMENTS		
Column 1	Column 2	Column 3
Circumstances	Summary of requirement	Form, Manner and Times
<p>Seizure of Personal Property – Public Auction (Section 351, <i>Municipal Act, 2001</i>)</p>	<p>Subject to certain conditions, the treasurer may seize personal property to recover taxes and costs of the seizure. The treasurer or the treasurer's agent is required give the public notice of the time and place of public auction and of the name of the person whose personal property is to be sold.</p>	<p>One notice published in a newspaper a minimum of 14 days prior to the auction.</p> <p>One notice sent by regular pre-paid mail, mailed to the sheriff, bailiff, assignee, liquidator, trustee or licensed trustee in bankruptcy a minimum of 21 days prior to the auction.</p>
<p>Proposal to Restructure Municipality (Section 173, <i>Municipal Act, 2001</i>)</p>	<p>Public notice required to advise of holding of public meeting before Council votes on whether to support or oppose a restructuring proposal.</p>	<p>One notice published in a newspaper a minimum of 14 days prior to the public meeting.</p>
<p>Change of Name of Municipality (Section 187, <i>Municipal Act, 2001</i>)</p>	<p>Public notice required to advise of a Committee meeting to consider enactment of a by-law to change municipality's name.</p>	<p>One notice published in a newspaper a minimum of 14 days prior to the Committee meeting.</p>
<p>Dissolution or Change to Local Board (Section 216, <i>Municipal Act, 2001</i>)</p>	<p>Notice to local board required to advise of a Committee meeting to consider the enactment of a by-law to dissolve or change local board.</p>	<p>One notice sent by regular prepaid mail, mailed to the local board a minimum of 14 days prior to the Committee meeting.</p>

Schedule "A" to By-law No. 07-351

PUBLIC NOTICE REQUIREMENTS		
Column 1	Column 2	Column 3
Circumstances	Summary of requirement	Form, Manner and Times
<p>Changes to Composition of Council (Section 217, <i>Municipal Act, 2001</i>)</p>	<p>Public notice required to advise of a Committee meeting to consider to enactment of a by-law changing the composition of Council.</p>	<p>One notice published in a newspaper a minimum of 14 days prior to the Committee meeting.</p>
<p>Establishment of Wards (Section 222, <i>Municipal Act, 2001</i>)</p>	<p>Public notice required to advise of a Committee meeting to consider enactment of a by-law dividing or redividing into wards or dissolving wards.</p> <p>After a by-law dividing or redividing into wards or dissolving wards has been passed, public notice required to advise of the passing of the by-law. The public notice shall specify the last date for filing a notice of appeal.</p>	<p>One notice published in a newspaper a minimum of 14 days prior to the Committee meeting.</p> <p>One notice published in a newspaper within 15 days of the passing of the by-law.</p>
<p>Enactment of a Procedure By-law (Section 238, <i>Municipal Act 2001</i>)</p>	<p>Public notice required to advise of a Committee meeting to consider the enactment of a procedure by-law.</p>	<p>One notice published in a newspaper a minimum of 14 days prior to the Committee meeting.</p>
<p>Enactment of a Business Licensing By-law</p>	<p>Public notice required to advise of a Committee meeting to consider the enactment of a business licensing by-law.</p>	<p>One notice published in a newspaper a minimum of 7 days prior to the Committee meeting.</p>

Schedule "A" to By-law No. 07-351

PUBLIC NOTICE REQUIREMENTS		
Column 1	Column 2	Column 3
Circumstances	Summary of requirement	Form, Manner and Times
Naming or Re-Naming a Private Road <i>(Section 48, Municipal Act, 2001)</i>	Public notice required to advise of intention to pass a by-law naming or renaming a private road.	One notice published in a newspaper a minimum of 7 days prior to the Committee meeting to consider the by-law.
Highway Closure or Permanent Alteration - Access Denied to any Property	Notice to all affected property owners required to advise of a Committee meeting to consider the enactment of a by-law to close or permanently alter highway when such closure or permanent alteration would deny access to a property.	One notice sent by registered mail, mailed to the last known address of the property owner(s) a minimum of 14 days prior to the Committee meeting.