

Authority: Item ____, Audit, Finance and
Administration Committee
Report 23-020 (Governance Review Sub-
Committee Report 23-005)
CM: December 13, 2023
City Wide
Ward: City Wide

Bill No.

CITY OF HAMILTON
BY-LAW NO. 23-

**A By-law to Adopt and Maintain a Policy with respect to providing Public Notice
and to repeal By-law No. 07-351**

WHEREAS paragraph 4 of subsection 270(1) of the *Municipal Act, 2001* provides that the City of Hamilton 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:

Definitions

1. In this By-law:

“**Committee**” means a Standing Committee of the Council of the City of Hamilton;
and,

“**Council**” means the Council of the City of Hamilton.

Application

2.(1) This By-law is the City of Hamilton’s policy with respect to providing public notice.

(2) Notice shall be provided in accordance with this By-law unless:

- (a) notice is otherwise prescribed by statute, regulation or other provincial enactment, in which case notice shall be given in accordance with the statute, regulation or enactment;
- (b) notice is otherwise prescribed by a City of Hamilton by-law or policy, in which case notice shall be given in accordance with the other by-law or policy;

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- (c) Council directs that other notice is to be given as Council considers adequate; or,
- (d) the City Manager determines that an urgent situation exists, in which case the City Manager may waive the prescribed notice in this By-law.

Notice

- 4.(1) Notice of a matter to be considered by Committee or Council at a regularly scheduled meeting is sufficiently provided as an item on a Committee or Council agenda posted on the City of Hamilton's website a minimum of five days preceding the Committee or Council meeting where the matter is first considered.
 - (2) Notice of a matter to be considered by Committee or Council at a special meeting is sufficiently provided as an item on the Special Committee or Council agenda posted on the City of Hamilton's website a minimum of 2 days preceding the special Committee or Council meeting where the matter is first considered.
 - (3) When notice is provided in accordance with subsection 4(1) and (2), no additional notice shall be required for subsequent meetings where a matter has been deferred or referred to a subsequent meeting by a Committee or Council.
- 5.(1) Where notice is prescribed by statute, regulation or other provincial enactment or by a City of Hamilton by-law or policy, but:
 - (a) the manner of the notice is not prescribed, posting the notice on the City of Hamilton website is sufficient;
 - (b) the form of the notice is not prescribed, the notice shall contain:
 - (i) a general description of the matter;
 - (ii) where the matter relates to a particular location, a description of the location; and,
 - (iii) instructions on how to obtain additional information about the matter;or,

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- (c) the timing of the notice is not prescribed, the Clerk in consultation with the management staff responsible for the matter shall determine timing that is reasonable in the circumstances.
6. Any notice required under the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 ("*Ontario Heritage Act*") to be published in a newspaper having general circulation in the Municipality shall be given by the posting of notice on the City's website as soon as possible following Council's decision for a minimum of 30 days and such notice shall comply in all other respects with the requirements in the *Ontario Heritage Act*.
 7. Notice of a matter on the City of Hamilton website is sufficiently provided even if there are times during the notice period when the City of Hamilton's website is not available.
 8. Notices posted on the City's website in accordance with this By-law will be made available in an alternative format, upon request.
 9. The notice requirements under this By-law are minimum requirements and notice may be provided to the public in an extended manner if, in the opinion of the management staff responsible for the matter, the extended manner is reasonable in the circumstances.
 10. At least once a year the City Clerk shall cause a notice to be published in a newspaper having general circulation setting out information on how to access the City's Website to locate public notices and the related City documents such as a report or a by-law.

General

11. Time periods set out in 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.

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12. This By-law may be cited as the "Public Notice Policy By-law" or the "Hamilton Public Notice Policy By-law".
13. City of Hamilton By-law No. 07-351 is repealed on December 13, 2023.
14. This By-law comes into force on December 13, 2023.

PASSED this 13th day of December, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk