

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

~~Authority: Item , Audit, Finance and Administration
Committee
Report 23-018 (Governance Review Sub-
Committee Report 23-004)
CM: November 8, 2023
City Wide
Ward: City Wide~~

~~Bill No. 351~~

~~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

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

WHEREAS paragraph 4 of subsection 270(1)4 of the *Municipal Act, 2001*, ~~S.O. 2001, c. 25~~ provides that ~~a municipality~~ 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:

~~4.~~ **Definitions**

1. In this ~~by~~By-law:

- a) ~~“Committee”~~ means a ~~committee~~ Standing Committee of the ~~municipal council of the City of Hamilton~~;
- b) ~~“Council”~~ means ~~the municipal council~~ of the City of Hamilton; and 1.

~~e) "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.~~

"Council" means the Council of the City of Hamilton.

2. Application

a) 2.(1) This ~~by~~By-law, ~~including Schedule "A" which is attached to and forms part of it,~~ is the City of ~~Hamilton~~Hamilton's policy with respect to ~~the provision of~~ providing public notice.

b) ~~(2) 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", accordance with this By-law unless:~~

i) ~~(a) notice is otherwise prescribed by statute or regulation or other provincial enactment, in which case notice shall be given in accordance with the statute or regulation or enactment;~~

ii) ~~(b) notice is otherwise prescribed in another by a City of Hamilton by-law or policy, in which case notice may shall be given either in accordance with this by-law or with the other by-law or policy;~~

iii) ~~(c) Council directs that other notice is to be given as Council considers adequate; or,~~

iv) ~~(d) the City Manager determines that an emergency urgent situation exists, in which case he or she the City Manager may waive the notice prescribed notice in this by-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~~

~~Council directs that~~**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.

~~iii) — (3) When notice is to be given as Council considers adequate.~~

~~e) Not 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 Council or 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,

(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.

e) ~~9.~~ The notice requirements under this ~~by~~By-law are minimum requirements and ~~the City Clerk is authorized to give~~ notice may be provided to the public in an extended manner if, in the opinion of the ~~City Clerk and management staff responsible for the~~ **General** ~~Manager of the City Department concerned with the~~ matter, the extended manner is reasonable ~~and necessary~~ 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

~~3.~~ ~~11.~~ Time Periods

~~The time~~ periods set out in ~~Schedule "A" to this~~ ~~by~~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.

The short title of this by

4. 12. This By-law ~~shall~~may be cited as the ~~"~~"Public Notice Policy By-law~~"~~" or the "Hamilton Public Notice Policy By-law".

5. 13. City of Hamilton By-law No. ~~06-27807-351~~ is repealed on November 8, 2023.

6. 14. This ~~by~~By-law comes into force ~~and effect on January 1, 2008~~on November 8, 2023.

PASSED this ~~12th~~8th day of ~~December, 2007.~~November, 2023.

A. Horwath
Mayor

J. Pilon
Acting City Clerk