Council Direction:

The Planning Committee at its meeting of April 2, 2013 requested that the City Clerk prepare a report clarifying the process for advertising and providing notice to the public.

Information:

At the April 2, 2013 Planning Committee meeting, Committee was considering amendments to the Site Alteration By-law. A citizen appearing as a delegation on this item expressed concern that there was not sufficient time to review the proposed by-law and supporting staff report materials in order to provide a proper response to the City on the issue. The citizen subsequently implied there was not sufficient notice given and consideration of the by-law should be tabled.

Provision of Notice

As per the City’s Advertising Policy, notice for this particular public meeting was published in the At Your Service of the Hamilton Spectator on March 15, 2013. A copy of the advertisement is appended as Appendix “A”.

Although for this particular matter, notice was not required under either the Planning Act nor the Municipal Act, the advertisement prepared by the Planning and Economic Development Department, did provide two weeks notice to citizens of the April 2, 2013 Public meeting. As is customary, published City of Hamilton Notices will indicate the purpose of the Public meeting, the date, time, location and contact information if a citizen wished to speak as a delegation.
The concern raised by the citizen is valid. Although there was sufficient notice of the public meeting, access to the draft by-law and supporting staff report was not made available on the City's website, until March 28, 2013 pursuant to the Procedural By-law which provides for twenty-four hours after members of City Council would have received their Planning Committee Agendas and almost two weeks following the issuing of the Public Notice in the paper.

Timing was also compounded by Statutory Holiday closures for Easter preceding the April 2nd Planning Committee meeting preventing citizens the opportunity to obtain clarification or information from staff on the supporting materials prior to the Committee meeting.

Section 270 (1) subsection (4) of the Municipal Act, 2001, speaks to a Municipality adopting and maintaining policies specific to Notice:

\[
270. \text{(1)} \quad \text{Adoption of policies} - \text{A municipality shall adopt and maintain policies with respect to the following matters:}
\]

1. Its sale and other disposition of land
2. Its hiring of employees
3. Its procurement of goods and services
4. The circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given
5. The manner in which the municipality will try to ensure that it is accountable to the public for its actions and the manner in which the municipality will try to ensure that its actions are transparent to the public.
6. The delegation of its powers and duties.

The City of Hamilton in adopting By-law No. 07-351 – “A By-law to adopt and maintain a policy with respect to the Provision of Public Notice” summarizes the circumstances in which the City provides notice to the public and if notice is to be provided, the form, manner and time in which the notice shall be given. A copy of By-law 07-351 is appended as Appendix “B” hereto.

The By-law also addresses:

(i) notice 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

Provisions of Public Notice By-law provides both Council and staff with the flexibility to modify the provisions of Notice in certain situations.

**Providing advance publication of staff reports**

The City’s Procedural By-law determines when Agenda information is made public. Providing the general public with adequate access to a particular staff report and supporting documentation, in advance of a Public Meeting would assist in engaging them in an open, accountable and transparent process.

The City Clerk’s Legislative Division will work with the appropriate General Managers and Committee Chairs, to determine if a particular issue, which is being considered by a Standing Committee, necessitates an advance publication of a staff report prior to the regular Committee Agenda distribution.

Once that determination is made, the staff report will be distributed firstly to Members of Council, and 24 hours thereafter, the appropriate Department will publish on the City’s Website’s main page, under the “Public Meetings and Consultation” section, the staff report in sufficient time to allow citizens the opportunity to access the information for review prior to the Public meeting.

Following which, the regular Standing Committee Agenda, with supporting staff reports, would then proceed with the normal distribution process and be posted and distributed in accordance with the City’s Procedural By-law and approved Committee/Council Calendar.
CHANGES TO THE CITY OF HAMILTON SITE ALTERATION BY-LAW

Public Meeting

What? The City of Hamilton is proposing amendments to Site Alteration By-law No. 03-126. Site Alteration deals with changing a property’s grading or placing, dumping or removing soil (“fill”). Changes to the by-law will provide more clarity regarding the quality and quantity of soil placed on properties. Specifically, the process to govern the quality of fill placed on a site, options to implement additional controls with respect to berms, establishing designated truck routes, and confirming that site alteration will not result in a reduction in the overall soil fertility of large rural properties.

The report regarding the proposed changes will be available online at www.hamilton.ca/planningcommittee by March 28, 2013.

When? Tuesday, April 2, 2013 at the Planning Committee meeting, which begins at 9:30 am. This will be one of a number of issues heard at the Planning Committee meeting.

Where? Hamilton City Hall, Council Chambers, 2nd floor 71 Main Street West, Hamilton

How? If you wish to register to speak at the public meeting, or if you wish to submit written comments, please contact Vanessa Robicheau, before noon on Thursday March 28, 2013, at 905-546-2424 ext. 2729 or email vanessa.robicheau@hamilton.ca or by mail to:

City of Hamilton, Clerks Department
C/o Vanessa Robicheau, Legislative Co-ordinator, Planning Committee
71 Main Street West, Hamilton, ON, L8P 4Y5

For further information or to provide comments:
Jason Thompson
Senior Project Manager
Planning and Economic Development Department
Phone: 905-546-2424 Ext. 3933
Email: Jason.Thompson@hamilton.ca

Notice dated: March 15, 2013

www.hamilton.ca

NOTICE OF PUBLIC OPEN HOUSE

For the Rothsay Avenue District Flood Remediation Study and Gage Park Stormwater Management Facility

When: Tuesday, March 19, 2013
Time: 6:00 pm – 8:00 pm
Where: Gage Park Horticultural Building Lunch Room, Lawrence Rd. Entrance, Hamilton

The City of Hamilton and Councillor Bernie Morelli would like to invite residents to review the preliminary design of the stormwater management facility proposed in Gage Park, as part of the Rothsay Avenue District Flood Remediation Class EA Study.

There will be an introductory presentation at 6:15 p.m. Staff will be available to discuss the design concept and study recommendations. Residents will have the opportunity to ask questions about the stormwater management facility design and provide feedback. The Gage Park Horticultural Building is wheelchair accessible. The community is also invited to send their thoughts and comments to Monirul Islam or Cynthia Graham, below:

Monirul Islam, M.A.Sc., P.Eng.
Project Manager, ISWP
Public Works, City of Hamilton
400 - 77 James St. N., Hamilton, ON L8R 2K3
Tel.: 905-546-2424 Ext. 6230
Monirul.islam@hamilton.ca

Cynthia Graham, OALA, CSLA, ISA
Landscape Architect, Landscape Architectural Services
Public Works, City of Hamilton
400 - 77 James St. N., Hamilton, ON L8R 2K3
(905) 546-2424, Ext. 2337
Cynthia.Graham@hamilton.ca

Ron Scheckenberger, M.Eng., P.Eng.
Principal Consultant
AMEC Environmental & Infrastructure
3215 North Service Road, Burlington, ON L7R 3G2
(905) 335-2353on.scheckenberger@amec.com

If you have any accessibility requirements in order to participate in this event, please contact Cynthia Graham by Mar 15, 2013. Advance requests are highly encouraged to enable us to meet your needs adequately.
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.

PASSED this 12th day of December, 2007.

Fred Eisenberger  
Mayor

Kevin C. Christenson  
City Clerk
<table>
<thead>
<tr>
<th>Circumstances</th>
<th>Summary of requirement</th>
<th>Form, Manner and Times</th>
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</table>
| **Budget – Adopting Rate or Tax Budget**  
(Section 290 and 291, Municipal Act, 2001) | 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. | One notice published in a newspaper a minimum of 14 days prior to the Committee meeting. |
<p>| <strong>Enactment of a Fee or Charge By-law</strong> | 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. | One notice published in a newspaper a minimum of 14 days prior to the Committee meeting. |</p>
<table>
<thead>
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</thead>
<tbody>
<tr>
<td>Seizure of Personal Property – Public Auction (Section 351, Municipal Act, 2001)</td>
<td>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.</td>
<td>One notice published in a newspaper a minimum of 14 days prior to the auction. 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.</td>
</tr>
<tr>
<td>Proposal to Restructure Municipality (Section 173, Municipal Act, 2001)</td>
<td>Public notice required to advise of holding of public meeting before Council votes on whether to support or oppose a restructuring proposal.</td>
<td>One notice published in a newspaper a minimum of 14 days prior to the public meeting.</td>
</tr>
<tr>
<td>Change of Name of Municipality (Section 187, Municipal Act, 2001)</td>
<td>Public notice required to advise of a Committee meeting to consider enactment of a by-law to change municipality's name.</td>
<td>One notice published in a newspaper a minimum of 14 days prior to the Committee meeting.</td>
</tr>
<tr>
<td>Dissolution or Change to Local Board (Section 216, Municipal Act, 2001)</td>
<td>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.</td>
<td>One notice sent by regular prepaid mail, mailed to the local board a minimum of 14 days prior to the Committee meeting.</td>
</tr>
<tr>
<td>Circumstances</td>
<td>Summary of requirement</td>
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<tr>
<td>Changes to Composition of Council</td>
<td>Public notice required to advise of a Committee meeting to consider to enactment of a by-law changing the composition of Council.</td>
<td>One notice published in a newspaper a minimum of 14 days prior to the Committee meeting.</td>
</tr>
<tr>
<td>Establishment of Wards</td>
<td>Public notice required to advise of a Committee meeting to consider enactment of a by-law dividing or redividing into wards or dissolving wards.</td>
<td>One notice published in a newspaper a minimum of 14 days prior to the Committee meeting.</td>
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<td></td>
<td>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.</td>
<td>One notice published in a newspaper within 15 days of the passing of the by-law.</td>
</tr>
<tr>
<td>Enactment of a Procedure By-law</td>
<td>Public notice required to advise of a Committee meeting to consider the enactment of a procedure by-law.</td>
<td>One notice published in a newspaper a minimum of 14 days prior to the Committee meeting.</td>
</tr>
<tr>
<td>Enactment of a Business Licensing By-law</td>
<td>Public notice required to advise of a Committee meeting to consider the enactment of a business licensing by-law.</td>
<td>One notice published in a newspaper a minimum of 7 days prior to the Committee meeting.</td>
</tr>
</tbody>
</table>
### PUBLIC NOTICE REQUIREMENTS

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Naming or Re-Naming a Private Road</td>
<td>Public notice required to advise of intention to pass a by-law naming or renaming a private road.</td>
<td>One notice published in a newspaper a minimum of 7 days prior to the Committee meeting to consider the by-law.</td>
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<tr>
<td>(Section 48, Municipal Act, 2001)</td>
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<tr>
<td>Highway Closure or Permanent Alteration - Access Denied to any Property</td>
<td>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.</td>
<td>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.</td>
</tr>
</tbody>
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