

Municipal Corporations

A city or town that is formed with state governmental approval to carry out business (or other activities.)

Financial Matters

Towns with a population over 200 required to publish financial statements 5-21-50

A state with a population of 200 or more must keep a detailed list of all receipts and disbursements. Quarterly statements of these accounts must be published in a newspaper or posted in a well known area in the county that the account is situated in.

Section	Notice	Where	When
5-21-50	Notice of an itemized list of financial statements	A newspaper in the county that the town is situated	Quarterly

Exact wording:

“All towns in this State of more than two hundred population shall keep an itemized account of all receipts and disbursements and shall publish quarterly statements of such accounts in some newspaper in the county in which such town is situated or shall post such quarterly statements at some conspicuous place or places in town.”

Notice of filing of petition for financial matters Section 5-21-260

A notice must be published that shows that a petition on financial matters has been filed and that it will be open for public inspection for the whole week following the publication. The notice should also specify if any action will be taken on any specific occasion.

Section	Notice	Where	When
5-21-260	Notice of filing of a petition in reference to financial matter	A newspaper that has a general circulation in the municipality	Ten days after the occasion

Exact wording:

“Upon the filing of such a petition the municipal council shall give notice that it has been filed and will open for public inspection on all secular days during the week following the publication of the notice and that action will be taken on the petition on some occasion specified in such notice, not sooner than ten days following the occasion when the notice shall be published. Such notice shall be published in some newspaper having general circulation in the municipality.”

Bonds

Notice of election for general obligation bonds
Section 5-21-290

A notice of an election for the purpose of general obligation bonds shall be published at least twice in a newspaper with a general circulation in the municipality. The first notice must be published no less than 15 days prior to the holding of the election with the second notice being published within the week before the election.

Section	Notice	Where	When
5-21-290	Notice of an election on general obligation bonds specifying: 1.) The time the election is being held. 2.) The location of the several polling places. 3.) Qualifications an individual must have to vote. 4.) The amount of bonds to be issued. 5.) A brief description of where the proceeds of the bonds are going.	A newspaper within the municipality of the election	<i>First notice</i> must be published no less than 15 days prior to the holding of the election. The <i>second notice</i> must be published within the week before the election.

Exact Wording:

“Notice of the holding of the election shall be published in some newspaper having general circulation in the municipality on not less than two occasions. The first publication shall appear not less than fifteen days prior to the occasion of the holding of the election and the second publication shall appear within the week prior to the election. Such notice shall specify:

- (1) The time of the holding of the election.
- (2) The location of the several polling places.
- (3) The qualifications imposed upon persons desirous of voting.
- (4) The amount of bonds to be issued; and
- (5) A brief description of the purposes for which the proceeds of the bonds are to be applied.

Sale of general obligation bonds
5-21-430

General bonds that are issued by municipal corporations can be sold at a public sale. A notice of the sale needs to be advertised in a newspaper of general circulation in the State or in a financial paper in New York City. The notice should run at least ten days prior to the sale.

Section When	Notice	Where	
5-21-430	A notice of the advertisement of the public sale of general obligation bonds by the municipality	A newspaper of general circulation in that State or in a financial paper in New York City	At least ten days prior to the sale

Exact wording:

“Bonds issued hereunder shall be sold at public sale, after advertisement of the sale in a newspaper having general circulation in the State or in a financial publication published in the city of New York or, in the discretion of the municipal council, in both such publications. Such advertisement shall appear not less than ten days prior to the occasion set for such sale. The bonds may be disposed of at private sale if there are no bids received or if all bids are rejected. The provisions of this section shall not prevent a sale at private sale to the United States or any agency thereof.”

Sale of Paving Bonds 5-21-730

Paving bonds can be sold after an advertisement for a public sale has been published in a newspaper with a general circulation in the State or in a financial publication that is published in New York City. Upon the decision of the municipal council it may be published in both publications. The notice should run at least ten days prior to the sale.

Section When	Notice	Where	
5-21-730	A notice of an advertisement for the sale of paving bonds by the municipality	A newspaper of general circulation in the State or in a financial paper in New York City	At least ten days prior to the sale

Exact wording:

“Such bonds shall be sold at public sale, after advertisement of the sale in a newspaper having general circulation in the State or in a financial publication published in the city of New York or, in the discretion of the municipal council, in both such publications. Such advertisement shall appear not less than ten days prior to the occasion set for such sale. The bonds may be disposed of at private sale if there are no bids received or if all bids are rejected. The provisions of this section shall not prevent a sale at private sale to the United States or any agency thereof.”

Elections

The authorization by the Secretary of State for an incorporation election; questions to be voted on; initial governing body. 5-1-50

Once determination has been made that all requirements are in order than The Secretary of State can issue a commission giving three or more people in the proposed municipality the right to hold and conduct an election. The notice of the election shall be placed not

less than five days but no more than fifteen days before the date of the election in a newspaper of general circulation in that community.

Section	Notice	Where	When
5-1-50	Notice of an election in a proposed municipality	Newspaper of general circulation in the community or by posting it in three public places around the incorporated area	Not less than five and no more than 15 days before the date of the election.

Exact wording:

“Notice of the election must be published in a newspaper of general circulation in the community or by posting in three public places within the area sought to be incorporated which contains detailed information concerning the election. The notice must be published or posted not less than five nor more than fifteen days before the date of the election” Part A (2)

**Notice of a special election for the sale of Ice Plants
5-33-60**

If the council of any city in this state owns or controls their ice plant than the city council may issue a special election. If the election is ordered a notice must be published in a newspaper of general circulation each week for four weeks prior to the election.

Section	Notice	Where	When
5-33-60	A notice of a special election for the sale of an ice plant	A newspaper of general circulation in such city	Once a week for four weeks prior to the date of the election

Exact wording

“In the event such election be ordered four weeks’ notice thereof shall be given by publication in a newspaper of general circulation in such city once in each week for four weeks preceding the date of such election. Such notice shall contain in substance the terms of the offer for such property.”

Electricity/Water/Natural Gas and Sewage Systems

**Contracts with public agency to provide municipalities with sewage treatment
5-31-930**

A public hearing shall be held to hear all interested persons before the passage of an ordinance. In this case the ordinance pertains to a contract with a public agency to provide the city with a form of sewage treatment or a way to dispose of solid waste. A notice of the public hearing must be published in a newspaper with general circulation in that city occurring at least seven days prior to the date of the hearing.

Section	Notice	Where	When
5-31-930	A notice of a public hearing	A newspaper with a general circulation in the city	At least seven days prior to the date of the hearing.

Exact wording

“(a) Subsequent to the introduction of such Ordinance and prior to its reading second reading, a public hearing shall be held on the question of the passage of such Ordinance at which all interested persons may appear and be heard. Such hearing shall be held after notice thereof has been published in a newspaper having general circulation in the municipality not less than seven (7) days prior to the date of the hearing.

**Notice of election to consider the sale of electric or water plants
5-31-1330**

A city or town council may order a special election in their municipality to determine whether to accept an offer of sale of an electric or water plant. This may only be done if the city/town owns either or both. If an election is ordered a notice must be published in a newspaper of general circulation in that city/town. The notice shall occur once a week for six weeks prior the date of the election.

Section	Notice	Where	When
5-31-1330	A notice of an election to consider the sale of the municipality’s electric and/or water plants	A newspaper with a general circulation in the town/city.	Once each week, six weeks prior to the date of the election.

Exact wording

“In the event such election should be ordered, six weeks’ notice thereof shall be given by publication in a newspaper of general circulation in such city/town once each week for six weeks preceding the date of such election. Such notice shall contain in substance the terms of the offer for such property.”

**Notices by municipalities in regards to an ordinance on improvements
5-31-2030**

A notice of an ordinance for improvements that will be made in regards to this section will become effective seven days after the publication of it. Once the improvements have been made and upon completion of an assessment roll another notice shall be placed that gives a description of the assessment and the date for a council meeting to hear any objections. The notice shall be placed no more than ten days prior to the meeting and both notices shall be placed in a newspaper of general circulation in the municipality.

Section	Notice	Where	When
5-31-2030	a.) A notice of an ordinance for	A newspaper of general circulation	a.) Does not go into effect until seven

	improvements within a municipality. b.) A notice that a council meeting will be held in regards to the ordinance.	located in the municipality	days after publication. b.) No more than ten days prior to the council meeting
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Exact wording:

“In connection with the imposition of such front-foot assessments: (a) The ordinance providing for such front-foot assessments shall designate by a general description the improvement to be made and the street or parts thereof whereon the work is to be effected and the actual cost thereof and the amount of the cost to be assessed upon all abutting property subject to the provisions of the preceding paragraph and the terms and manner of payment. Such ordinance shall not become effective until at least seven days after it shall have been published in a newspaper of general circulation in the municipality. Such ordinance may incorporate by reference plats and engineering reports and other data on file in the council's office provided that the place of filing and reasonable hours for inspection by interested persons are specified in the ordinance. (b) Upon the completion of the construction of any such sewer laterals or any extensions thereof the council shall compute and ascertain the total cost thereof and shall thereupon make an assessment of such total cost or so much thereof as it deems appropriate. For that purpose the council shall make out an assessment roll in which must be entered the names of the persons assessed and the amount assessed against their respective properties with a brief description of the lots or parcels of land assessed. (c) Immediately after such assessment roll has been completed, the council shall forthwith cause one copy thereof to be deposited in the council's office for inspection by interested parties, and shall cause to be published at least once in a newspaper of general circulation within the municipality a notice of completion of the assessment roll setting forth a description in general terms of the improvements and the time fixed for the meeting of the council for a hearing of objections in respect of the front-foot assessments; such meeting not to be earlier than ten days from the date of the publication of such notice.”

Examinations

Notice of Examinations 5-19-190

The Civil Service Commission must give notice of the time and place of every examination that occurs in reference to applicants for position in the fire or police departments. He may do this by publishing such notice in the newspaper or posting it in the city hall of the municipality for at least one week prior to the examination.

Section	Notice	Where	When
5-19-190	Notice of examinations by the Civil Service Commission in reference to applicants for position in the fire or police departments.	A newspaper published in the city affected	At least one week prior to the examination

Exact wording:

“Notice of the time and place of the holding of every examination shall be given by the commission by posting such notice in a conspicuous place at the city hall in such municipality for at least two weeks preceding such examination and by publication in a newspaper published in the city affected, at least one week preceding such examination.”

Improvement District

Inclusion in improvement district that is constructed or under construction 5-37-45

Any additional improvements to the district that are made after the proposed improvements are constructed or under construction must be authorized by the local laws of a governing body. A notice must be published in a newspaper with general circulation at least seven days prior to the final adoption of the original ordinance.

Section	Notice	Where	When
5-37-45	Notice of additions to the improvement district	A newspaper with general circulation in the municipality	At least seven days before the final adoption of the ordinance

Exact wording:

“Any agreement providing for the construction of the improvements before the establishment of the improvement district must be authorized by an ordinance of the governing body, notice of which must be given by publication in a newspaper of general circulation within the municipality, at least seven days before the final adoption of the ordinance.”

Publication of resolution for an improvement district 5-37-60

A resolution describing the improvement district and the improvement plan to be effected must be published in a newspaper with general circulation once a week for two successive weeks with a final notice occurring ten days prior to the hearing.

Section	Notice	Where	When
5-37-60	A resolution that states if there is any property in the improvement district that needs to be acquired or improved, a projected time schedule, estimated cost of the improvement district and where	A newspaper with general circulation within the incorporated municipality	Once a week for two successive weeks. The last notice occurring ten days prior to the date of the public hearing

	the money will be derived from.		
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Exact wording:

“A resolution providing for an improvement district, when adopted, shall be published once a week for two successive weeks in a newspaper of general circulation within the incorporated municipality and the final publication shall be at least ten days prior to the date of the scheduled public hearing. At the public hearing and at any adjournment thereof, all interested persons may be heard either in person or by attorney.”

**Ordinance creating an improvement district
5-37-100**

A governing body, by ordinance may now provide for the improvement district. This can only be done once an ordinance has become effective which shall occur seven days after the ordinance has been published in a newspaper with general circulation in the municipality.

Section	Notice	Where	When
5-37-100	An ordinance for an improvement district	A newspaper of general circulation in that city/town.	Not sooner than ten days but no more than 120 days after the public hearing

Exact wording:

“Not sooner than ten days nor more than one hundred twenty days following the conclusion of the public hearing proposed in section 5-37-50, the governing body may, by ordinance, provide for the creation of the improvement district as originally proposed or with such changes and modifications therein as the governing body may determine, and provide for the financing thereof by assessment, bonds, or other revenues as herein provided.....Such ordinance shall not become effective until at least seven days after it has been published in a newspaper of general circulation in the municipality.”

**Publication of notice for assessment roll
5-37-110**

If properties are to be assessed in the improvement district an assessment roll must be prepared by the governing body. The names of the persons whose properties are to be assessed, a brief description of the land and the amount assessed should be collected. Publication of a copy of the assessment roll must be placed at least once in a newspaper with a general circulation and must note a date of at least ten days since publication for a hearing of objections.

Section	Notice	Where	When
5-37-110	A notice of the assessment roll taken and a date for a hearing of objections	A newspaper with general circulation in the city/town.	At least ten days prior to the date of the hearing of objections

Exact wording:

“...the governing body shall prepare an assessment roll in which there shall be entered the names of the persons whose properties are to be assessed and the amount assessed against their respective properties with a brief description...one copy...shall cause to be published at least once in a newspaper of general circulation within the municipality a notice of completion of the assessment roll setting forth a description in general terms of the improvements and providing at least ten days notice of the time fixed for hearing of objections in respect to such assessments.”

Petitions

Signed petition by all or seventy-five percent of landowners (annexation) Section 5-3-150

Seventy-five percent or more of the holders of the area or property that is requesting annexation has to sign a petition. The municipality needs to give notice of a public hearing no less than 30 days before acting on this petition. Upon this agreement and an enactment of an ordinance declaring the area annexed to the municipality is the annexation complete.

Section	Notice	Where	When
5-3-150	Notice of a public hearing on the subject of a signed petition for requested annexation	Newspaper of general circulation in the community	No less than 30 days before acting on the annexation petition

Exact wording:

“... (6) not less than thirty days before acting on an annexation petition, the annexing municipality must give notice of a public hearing by publication in a newspaper of general circulation in the community...”- Part 1(6)

Annexation procedures (notice of annexation election; results and description) 5-3-300

A notice of a special election in regards to annexation shall be published in a newspaper of general circulation in the municipality to be annexed. Placement should occur thirty days prior to the election by the county election commission. If the election goes in favor of the annexation than the results also need to be published with a notice of the annexation following. The notice of annexation must contain a description of the area, the act or code the annexations shall follow, a statement that the annexation was approved by the qualified electors and that the annexation will take place unless a petition is presented within thirty days of the election notice.

Section	Notice	Where	When
5-3-300	Notices for annexation:	A newspaper of general circulation in	a.) Thirty days prior to the election

	<p>a.) A notice of a special election to be held for voting on annexation.</p> <p>b.) A notice of the results of the election if it goes in favor of the annexation.</p> <p>c.) A notice of the annexation with a description, section or code number, a statement that the qualified electors approved the annexation and</p>	<p>the “proposed” annexed area</p>	<p>b.) In conclusion of the election</p> <p>c.) Following the publication of the results</p>
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Exact wording:

“(D) The election ordered pursuant to this section is a special election and not a municipal election and must be held, regulated, and conducted with the provisions prescribed by Chapters 13 and 17 of Title 7, except as otherwise provided in this section. The county election commission shall give at least thirty days' notice in a newspaper of general circulation within the area proposed to be annexed to the municipality. Registered qualified electors residing within the area proposed to be annexed to the municipality shall have the same qualifications to vote in this election as are required of registered qualified electors to vote in state and county general elections. At the election, the registered qualified electors residing within the area proposed to be annexed shall vote in a box or boxes to be provided for the purpose within the area proposed to be annexed by the county election commission. The county election commission shall certify the result of the election to the municipal council of the municipality. If a majority of the votes cast by the qualified electors of the area proposed to be annexed are in favor of the annexation, the council by written resolution must publish the result of the election.

(E) After publishing the result of the election, the municipal council shall publish in a newspaper of general circulation within the municipality a notice which must contain: (1) a description of the area to be annexed; (2) the act or code section pursuant to which the proposed annexation is to be accomplished; (3) a statement that the qualified electors of the area to be annexed voted to be annexed to the municipality; and (4) a statement that the municipal council will approve the annexation of the area unless a petition signed by five percent or more of the qualified electors within the municipality is presented to the municipal council within thirty days from the date of the notice requesting that the municipal council order an election to be held within the municipality on the question of extension of the corporate limits by annexation of the area proposed to be annexed.”

Public Hearings

Forfeiture of office

5-7-210

Any member charged with conduct that could cause him forfeiture of his office is allowed a public hearing. A notice of this hearing shall be placed in a newspaper of general circulation in that city for at least one week prior to the hearing.

Section

Notice

Where

When

5-7-210	Notice of a public hearing in terms of forfeiture of office	A newspaper of general circulation in the municipality	At least one week before the hearing
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Exact wording:

“The council shall be a judge of the election and qualifications of its members and of the grounds for forfeiture of their offices and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing, and notice of such hearing shall be published in one or more newspapers of general circulation in the municipality at least one week in advance of the hearing. Decisions made by the council under this section may be appealed to the court of common pleas.”

**Public hearing by affected district of the proposed annexation
5-3-315**

If any district of a proposed annexed area is affected they may hold a public hearing as long as the hearing is sixty days prior to the election. The time and place of the hearing must be published at least fourteen days prior in a newspaper of general circulation within the proposed area to be annexed.

Section	Notice	Where	When
5-3-315	Notice of a public hearing for a district that is affected by a proposed annexation	A newspaper of general circulation within the proposed area to be annexed	Notice of the time and place must be given at least 14 days prior to the hearing.

Exact wording:

“Any district affected by the proposed annexation may conduct a public hearing within sixty days prior to the required election. The district must give at least fourteen days notice of the time and place of this public hearing in a newspaper of general election within the area proposed to be annexed; however, failure to conduct a public hearing or failure to publish proper notice of the hearing may not delay any election or other proceedings herein.”

Special Elections

**A change in form of government
5-5-50**

A notice of all special elections dealing with a change in the form of government must be published in a newspaper of general election where the election is to be held. Expenses incurred from an election are to be paid by the municipality that it’s held in and must abide by that state’s laws. The placement shall occur at least three weeks prior to the election.

Section	Notice	Where	When
5-5-50	Notice of all special	A newspaper of	At least three weeks

	elections that are set forth for a change in government	general circulation in the area that the election is to be held	prior to the election.
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Exact wording:

“Notice of all special elections relating to a change in form of government shall be published at least three weeks in advance in a newspaper of general circulation in the municipality in which such election is to be held.”