

Coates' Canons Blog: When Are Public Hearings Required

By David Lawrence

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A recurrent point of confusion is when must a city council or board of county commissioners hold a public hearing. Many governing boards spend a lot of time on zoning map amendments, and those actions require a public hearing, so a notion arises that other sorts of ordinances surely require a public hearing as well. But in fact they don't. Apart from ordinances involving land-use regulation, public hearings are required on only one other sort of ordinance – Sunday closing ordinances adopted by cities. In general, apart from actions involving service districts and authorization of borrowing, statutorily-required public hearings are fairly rare. Unless the statute that authorizes a particular sort of action requires a public hearing as a condition of acting, a board is under no compulsion to hold a hearing. (Many boards voluntarily hold public hearings in controversial situations even though the law does not require them.) Here's a list of those statutes that I know of that require a city council or board of county commissioners to hold a public hearing:

Measure	County Cite	City Cite
<i>Adopting Regulatory Ordinances</i>		
Development ordinances	153A-323	160A-364
Sunday closing ordinances		160A-191
<i>Government Structure</i>		
Form of government		160A-102
Fire district expansion	69-25.11	
Sanitary district creation	130A-48	
City parking auth. creation		160A-552
<i>Service District Matters</i>		
Establishing districts	153A-302	160A-537
Expanding districts	153A-303	160A-538
Deleting territory		160A-538.1
Consolidating districts	153A-304	160A-539
Adjusting boundaries	153A-304.3	
Abolishing districts	153A-306	160A-541
Establishing some fire dists.	153A-309.2	
Establishing indust. fire dists.	153A-309.3	
Establishing some EMS dists.	153A-310	
Establishing res/prod. dists.	153A-312	
Expanding res/prod. dists.	153A-314	
Deleting territory	153A-314.1	
Abolishing res/prod. dists.	153A-316	
Estab. econ.dev./training dists.	153A-317.12	
Expan. econ.dev./training dists	153A-317.14	
Abol. econ.dev./training dists.	153A-317.16	
<i>Municipal Annexation</i>		
Voluntary contiguous		160A-31
Voluntary satellite		160A-58.2
Involuntary		160A-58.55
Annexation agreements		160A-58.24





<i>Financial matters</i>		
Annual budget ordinance	159-12	159-12
General obligation bonds	159-57	159-57
Installment financings	160A-20	160A-20
Acquiring college property	153A-158.2	
Levy of occupancy taxes	153A-155	160A-215
Establishing stormwater fees	153A-277	160A-314
<i>Special assessments</i>		
Preliminary resolution	153A-192	160A-225
Prelim. assessment roll	153A-195	160A-228
<i>Streets and Roads</i>		
Closing streets and roads	153A-241	160A-299
Naming roads, assigning nos.	153A-239.1	
Permitting bridges	153A-243	
Transportation corridor map	136-44.50	See county
Transportation plan		136-66.2
<i>Miscellaneous</i>		
Economic devel. incentives	158-7.1	158-7.1
Coastal area land use plans	113-110(e)	See county
Landfill site selection	153A-136(c)	160A-325(a)
Ambulance service ordinances	153A-250	153A-250
Location of ABC stores		18B-801









































































































































































































































































































































































































































































































































































































































































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Do you know of a public hearing requirement that isn't on this chart? If so, please send it in a comment on this blog post and we'll add it in.

David Lawrence is retired from the faculty of the School of Government. For questions about the subject of this blog post, please refer to our **list of faculty expertise** to identify the appropriate faculty member to contact.

Links

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