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## SYLLABUS:

1. Requirements for public hearings under Sections 711.10 and 711.101, Revised Code, imply that there must be notice prior to the hearing.
2. No particular form of notice, or manner of notification, is required so long as it is reasonably calculated to apprise all interested parties.
3. A single publication of notice in a newspaper of general circulation thirty days before a hearing under Sections 711.10 and 711.101, Revised Code, constitutes reasonable notice.

Columbus, Ohio, July 22, 1963

Hon. George Cleveland Smythe  
Prosecuting Attorney  
Delaware County  
Delaware, Ohio

Dear Sir:

I have before me your request for my opinion reading as follows:

“Under the provisions of Section 711.10 and Section 711.101, Revised Code, wherein public hearings are to be held by planning commissions and by the county commissioners, what are the requirements for the holding of such public hearings? If a publication or publications are required, how many and for what length of time?”

Even though Sections 711.10 and 711.101, Revised Code, say nothing in regard to the giving of public notice before the hearing, I think that a requirement of notice can reasonably be assumed. The purposes of a public hearing under Sections 711.10 and 711.101, Revised Code, is to give those who are affected by the rules and regulations of the planning commission or county commissioners an opportunity to be heard. Under these circumstances, it is necessary to give public notice in order to inform those affected of the date set for a public hearing. It is my opinion, therefore, that notice calculated to apprise all interested parties should be given of public hearings required under Sections 711.10 and 711.101, Revised Code.

In order to determine what constitutes the particulars of a

reasonable notice, it is helpful to consult other statutes which make provisions for a public notice. The Ohio Administrative Procedure Act, Section 119.03, Revised Code, provides in part:

“(A) Reasonable public notice shall be given *at least thirty days prior* to the date set for a hearing, in such manner and form and for such length of time as the agency determines and shall include:”

(Emphasis added)

Section 4563.06, Revised Code, provides that:

“No airport zoning regulations shall be adopted, amended, or changed under Sections 4563.01 to 4563.21, inclusive, of the Revised Code, except by action of the legislative body of the political subdivision, after a public hearing in relation thereto, at which the parties in interest and citizens shall have an opportunity to be heard. *At least thirty days notice* of the hearing shall be published in a newspaper of general circulation in the political subdivision in which the airport hazard area to be zoned is located.”

(Emphasis added)

Section 519.06, Revised Code, provides that:

“Before certifying its recommendations of a zoning plan to the board of township trustees, the township zoning commission shall hold at least one public hearing, notice of which shall be given by one publication in one or more newspapers of general circulation in the township *at least thirty days before the date of such hearing*. The notice shall state the place and time at which the text and maps of the proposed zoning resolution may be examined.”

(Emphasis added)

Based upon these statutory expressions and upon analogy I conclude that publication of notice thirty days prior to a hearing would be adequate under Sections 711.10 and 711.101, *supra*. A greater or lesser period of time may also be reasonable under particular circumstances.

In reference to your question, “if a publication or publications are required, how many and for what length of time”, I suggest that only one publication is necessary. The Court in *Craig v. Fox*, 16 Ohio, 563, held that a statute requiring notice at least thirty days

before the sale meant that there was to be one publication of notice at least thirty days before the sale. The Court states on page 476:

“\* \* \* I look then to the statute in order to gather the meaning and intention of the legislature. Its words will be answered by one publication, inserted in a newspaper thirty days before the day of sale, and will not require an insertion in each paper that may be issued between the date of the first insertion and the sale. \* \* \*”

As a suggestion in regard to the process of publication, I refer you to Sections 7.11 and 7.12, Revised Code.

In conclusion, it is my opinion and you are advised accordingly that:

1. Requirements for public hearings under Sections 711.10 and 711.101, Revised Code, imply that there must be notice prior to the hearing.

2. No particular form of notice, or manner of notification, is required so long as it is reasonably calculated to apprise all interested parties.

3. A single publication of notice in a newspaper of general circulation thirty days before a hearing under Sections 711.10 and 711.101, Revised Code, constitutes reasonable notice.

Respectfully,  
WILLIAM B. SAXBE  
Attorney General