

ADMINISTRATIVE ORDER NUMBER 32
Respecting the Procedures For Developing By-Laws
For Consideration By Regional Council

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality as follows:

Short Title

1. This Administrative Order may be cited as Administrative Order Number Thirty-two, the By-law Development Administrative Order.

Purpose

2. (1) The purpose of this Administrative Order is to create a coordinated framework to expedite consistent by-law writing, consultation, approval process, referencing, storing and accessing and to ensure that all business units are aware of the responsibilities they will have in respect of a By-law before it is introduced before Regional Council.

(2) Subject to Section 3, the procedure in this Administrative Order applies to all by-laws including by-laws developed to amend existing by-laws.

Exception

3. This Administrative Order does not apply to planning documents adopted pursuant to Part VII (Planning and Development) and Part IX (Subdivision) of the Municipal Government Act.

By-Law Rationalization Working Group

4. The By-Law Rationalization Working Group is hereby created and shall be made up of a staff member appointed by each of the following business units:

- a) Financial Services
- b) Shared Services
- c) Legal Services
- d) Fire & Emergency Services
- e) Halifax Regional Police
- f) RCMP
- g) Environmental Management Services
- h) Planning & Development Services
- i) Public Works & Transportation
- j) Real Property & Asset Management
- k) CAO's Office

and shall be supported by staff of Community Projects.

Initiation of By-law

5. By-laws may be initiated in one of three ways:
 - a) Member of Council
 - b) Advisory Committees to Council, by means of a recommendation from the Committee which is sent to staff for a report and ultimately considered at a Regional Council meeting
 - c) Staff, by means of a staff report to Regional Council.

Writing of By-laws

6. (1) By-laws are written by staff of the originating/lead business units.
 - (2) The template for drafting by-laws is attached as Schedule "A". Fonts on all by-laws must be consistent (arial 12).
 - (3) The originating business unit shall contact the Manager of Legal Services, who shall assign a solicitor to assist with the by-law drafting and approvals process. Legal Services will assign a by-law number which must be used on all documents.
 - (4) The originating business unit will consult with all affected business units throughout the process, and without restricting the generality of the foregoing shall consult with
 - (a) Financial Services to address any financial considerations; and
 - (b) All business units which will be involved in the licensing, administration, remedy and enforcement of the By-law to ensure the by-law is enforceable
- and shall circulate the draft by-law to all those affected for comment.
- (5) The originating business unit will consult with any Committees of Council with a stake in the By-law.
- (6) The originating business unit will consult with any External Stakeholder groups where appropriate. Methods of consultation with external stakeholders may vary and is at the discretion of the originating business unit.
- (7) Where applicable, the originating business unit shall prepare an amendment to Administrative Order Number 15, the License, Permits and Processing Fees Administrative Order.
- (8) A by-law implementation template will be approved by the By-law Rationalization Working Group and used in the By-Law Rationalization review process. This table is designed to help staff determine the outcome of a by-law and how it will be implemented. The template is intended as a guide and some indicators may not be relevant to each individual by-law. This template may be amended from time to time by the By-law Rationalization Working Group as more experience is gained in completing the template.

Completing the template is the responsibility of the originating business unit. The template may be obtained from staff of Community Projects.

(9) When the originating business unit has completed the draft by-law and amendment to Administrative Order 15, it shall forward the documents to Legal Services for final review, noting a date at which time a response is required from Legal Services, which date shall not be less than 10 business days from the time the By-law is received by Legal Services. Legal Services shall immediately advise the originating business unit if the target date cannot be met and shall provide the business unit with a date on which the review will be completed. Upon completion of the review of the documents on or before the agreed date, Legal Services shall provide the originating business unit with a list of deficiencies, or if there are no deficiencies, shall stamp the By-law and Administrative Order amendments “approved as to form” and return them to the originating business unit.

(10) When the By-law and the Administrative Order 15 amendments have been approved as to form by Legal Services, the originating business unit shall forward the documents along with the draft staff report and completed by-law implementation template to the By-Law Rationalization Working Group for review and no By-law shall proceed to Regional Council with a recommendation for adoption until the By-law Rationalization Group has reviewed the By-law and approved its proceeding to Regional Council for adoption.

Approval In Principle By Regional Council

7. (1) After the By-Law and Administrative Order 15 amendments have been approved by the By-law Rationalization Group, the originating business unit shall forward the staff report, draft by-law and Administrative Order 15 amendments to Regional Council. This report is to give Council an opportunity for discussion prior to the Notice of Motion. The staff report and attachments **must be received by the Clerk’s Office by Thursday noon prior to Tuesday’s Council meeting**. If the draft by-law is approved in principle by Regional Council, at a later point in the meeting, a member of Regional Council may give a notice of motion for first reading of the by-law.

(2) Any amendments to by-laws as a result of debate/discussion at Council will be made by the originating business unit in consultation with all affected business units and Legal Services. The Clerk’s Office will provide information to confirm Council’s action. After approval as to form by Legal Services, the amendments shall be forwarded to the By-law Rationalization Group for review and approval in accordance with Section 6(10).

(3) The originating business unit shall then prepare a supplementary report, if necessary, and accompanying by-law (with amendments if any) and forwards to Council for First Reading. The amendment(s) and supplementary report are submitted to the Clerk’s Office as per subsection (1) for inclusion on a Council agenda.

Approval Process

8. The Municipal Clerk’s Office is responsible, with support from the originating business unit and Legal Services, for coordinating the approvals and advertising process once the by-

law and accompanying report is submitted to Council. The steps below outline the process and time frames involved. **All by-laws require a Notice of Motion and Two Readings:**

i) **Notice of Motion**

Pursuant to Section 48 (1) of the Municipal Government Act, a member of Council serves Notice of Motion at a regular meeting of Council. The originating business unit prepares the Notice of Motion and arranges for introduction by a member of Council, in consultation with the Clerk’s office.

j) **First Reading**

The following week, upon submission of the proposed by-law and supporting staff report, Council gives First Reading to the by-law.

k) **Second Reading (Public Hearing) and Advertisement**

At least 14 days prior to the Council meeting where Second Reading is intended to be given, public notification of such intent is placed in the local newspaper and the HRM Internet site. The advertisement must state the object of the by-law, the date of the Council meeting and the location(s) where the proposed by-law may be inspected or a copy obtained. The table below illustrates the time line for the approval process of by-laws.

Week 1	Notice of Motion
Week 2	First Reading - Tuesday Advertise Second Reading/public hearing - Saturday
Week 5	Second Reading/Public Hearing <i>(following the minimum 14 day advertising requirement)</i>

A Notice of Motion to amend the Licence, Permit and Processing Fees Administrative Order, if necessary, should be given at the same meeting where Second Reading is given. The proposed amendment to the Administrative Order would be included on the Council Agenda the following week for approval.

A public hearing is not required on the enactment or amendment of a By-law unless specifically directed by Council. The preparation of any amendments to a By-law arising as a result of the Public Hearing shall be processed using the procedure set out in this Administrative Order.

l) **Signage, advertisement and effective date**

Once approved by Council -

- i The originating business unit forwards the complete electronic version

- (including schedules and maps) of the by-law to the Municipal Clerk's Office;
- ii Copies of the by-law are signed by the Mayor and Municipal Clerk and notification of the approved by-law is advertised in the newspaper and on the HRM Internet site;
- iii Instances where Ministerial approval is required, the Clerk's office will forward two certified copies of the by-law to the appropriate Provincial department;
- iv Once this approval has been received, notification of the approved by-law is advertised and placed on the HRM Internet site, and pursuant to Section 169 of the Municipal Government Act, the Clerk also files a certified copy of the by-law with the Minister of Service Nova Scotia and Municipal Relations. Unless otherwise stated in the by-law, its effective date is the date of publication.
- v Certified copy of the ad announcing approval of the by-law is placed with the signed copy of the by-law.

m) **Distribution, storage and indexing of by-law**

The original by-law is securely filed in the Municipal Clerk's office. Copies are distributed to internal and external customers as identified on a distribution list maintained by the Municipal Clerk's Office, as may be revised from time to time. All approved by-laws are electronically stored for access both internally and externally, on the "R" drive under HRM Common Directory\Legis\Bylaws and on the HRM Internet site.

- n) A by-law index (detailing Notice of Motion, First and Second readings, dates advertised, date of Ministerial approval, if required, effective date, etc.) is maintained by the Municipal Clerk's Office on the "R" Drive as follows: R:\HRM Common Directory\Legis\Bylaws\BI-index.123.

Mayor

Municipal Clerk

I, Vi Carmichael, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of Halifax Regional Council held on January 14, 2003.

Vi Carmichael, Municipal Clerk



Schedule "A"

BY-LAW TEMPLATE

By-law #: *(to be determined by Legal Services)*

By-law Name:

Short Title:

Interpretation/Definitions

By-law: *(insert the by-law content in this space)*

Repeal Section: *(if necessary)*

Mayor

Municipal Clerk

I, _____, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of Halifax Regional Council held on (day), (date), (month), (year).

Municipal Clerk

Notice of Motion: Councillor Cooper
Approved:

December 17, 2002
January 14, 2003

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Amendment # 1

Amendment to Section 8

Notice of Motion: Deputy Mayor Adams
Approved:

May 27, 2008
June 10, 2008