

**ADMINISTRATIVE ORDER NUMBER 32**  
**Respecting the Procedures for Developing By-Laws**

**BE IT RESOLVED AS AN ADMINISTRATIVE ORDER** of the Council of the Halifax Regional Municipality pursuant to subsection 6 of section 183 of *the Halifax Regional Municipality Charter* 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 and is to be read in conjunction with Administrative Order 2017-ADM-002, the *Charter of Governing Principles for Regulation Administrative Order*.

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

3. This Administrative Order does not apply to planning documents adopted pursuant to Part VII (Planning and Development) and Part IX (Subdivision) of the *Halifax Regional Municipality Charter*.

4. Repealed.

**Initiation of By-law**

5. By-laws may be initiated in one of three ways:

(a) By a Member of Council;

(b) By an Advisory Committee 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; or

(c) By staff, by means of a staff report to Regional Council.

**Writing of By-laws**

6. Repealed.

6A (1) The lead business unit shall contact Legal Services, who shall assign a solicitor to draft the By-law and will consult on legal issues as required.

(2) The lead business unit will consult with all affected business units throughout the process, including:

(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.

(3) The lead business unit will consult with any Committees of Council with a stake in the By-law.

(4) The lead business unit may consult with any External Stakeholder groups. Methods of consultation with external stakeholders may vary and is at the discretion of the lead business unit.

(5) After the consultations, the lead business unit shall prepare drafting instructions and

forward them to Legal Services and the business unit and Legal Services will agree on a date when a draft will be provided to the business unit for its review.

(6) By-laws are drafted by staff of Legal Services with the assistance of the staff of the lead business units.

(7) The template for drafting by-laws is attached as Schedule "A".

(8) Where applicable, Legal Services, with the assistance of the lead business unit, shall prepare an amendment to Administrative Order Number 15, the License, Permits and Processing Fees Administrative Order.

(9) Upon completion of the drafting of the By-law and amendments to Administrative Order 15, Legal Services will provide a copy of the completed draft By-law and Administrative Order to the lead business unit for its review.

(10) The lead business unit shall circulate the draft By-law and Administrative Order to all those affected departments of the municipality for comment.

(11) Legal Services will, in consultation with the lead business unit, make any necessary changes to the drafts. A revised draft, if necessary, will be provided to the lead business unit.

(12) Where a revised draft is provided, the lead business unit shall circulate the revised draft By-law and Administrative Order to all those affected departments of the municipality for comment.

(13) Once a final draft is agreed upon, a By-law number will be assigned by Legal Services to the completed draft of the By-law which must be used on all documents, and return them to the lead business unit.

(14) Once a By-law number has been assigned, the lead business unit shall create a staff report and forward the staff report with the final drafts of the By-law and Administrative Order to Regional Council with a recommendation to either adopt or not adopt the By-law.

### **Regional Council**

7. (1) After the By-Law and Administrative Order 15 amendments have been approved by Legal Services, the originating business unit shall forward the staff report, draft by-law and Administrative Order 15 amendments to Regional Council. At the Council 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 Legal Services in consultation with the originating business unit and all affected business units. The Clerk's Office will provide information to confirm Council's action.

(3) Repealed.

### **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. A table illustrating the time line for the approval process of By-laws is attached hereto as Schedule B.

### **All By-laws require a Notice of Motion and Two Readings**

9. (1) The process for the adoption of a By-law is as follows:

### **Notice of Motion**

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.

### **First Reading**

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

If Council directs that amendments be made to the proposed By-law, Legal Services will draft the amendments and provide them to the originating business unit. The originating business unit will prepare a supplementary report, if required, and forward the report and amendments to Council for First Reading. A By-law that passes First Reading will proceed to Second Reading.

### **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.

(2) 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 and the by-law is adopted. At the next meeting of Council, the amendment to the Administrative Order is considered.

(3) A public hearing is not required on the enactment or amendment of a By-law unless specifically directed by Council.

### **Signage, advertisement and effective date**

10. Once a By-law is adopted 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) 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 184 of the Halifax Regional Municipality Charter, 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) A certified copy of the ad announcing approval of the By-law is placed with the signed copy of the By-law.

### **Distribution, storage and indexing of by-law**

11. (1) 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 Bylaws are electronically stored for access both internally and externally.

(2) 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.

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Mayor

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Municipal Clerk

Notice of Motion: Councillor Cooper  
Approval:

December 17, 2002  
January 14, 2003

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Amendment # 1  
Amendment to Section 8

Notice of Motion:  
Approval:

May 27, 2008  
June 10, 2008

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Amendment # 2

Notice of Motion:  
Approval:

December 11, 2012  
February 5, 2013

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Amendment # 3 (Amendment to Section 2)

Notice of Motion:  
Approval:  
Effective:

December 5, 2017  
December 12, 2017  
February 1, 2018

**Schedule "A"**  
**BY-LAW TEMPLATE**

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**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)*

**Schedule "B"  
By-law Adoption Process**

