

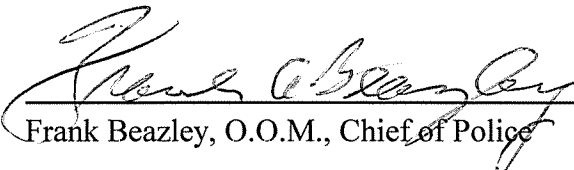
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PO Box 1749
Halifax, Nova Scotia
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Halifax Regional Council
July 4, 2006

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Frank Beazley, O.O.M., Chief of Police

DATE: June 21, 2006

SUBJECT: By-Law Infraction Notification

INFORMATION REPORT

ORIGIN

At the Regional Council meeting of May 30, 2006 under Item 10.3.1, a staff report was requested regarding the current policy used to send out By-law infraction notification with recommendations to improve the current policy.

Councillor Hendsbee also requested information regarding a clean-up bill received by a resident in his District.

BACKGROUND

The current municipal legislation enforced by Community Projects, Halifax Regional Police requiring notices are Dangerous or Unsightly Premises, Improperly Placed Curbside Solid Waste and Removal of Sidewalk Snow & Ice.

Dangerous Or Unsightly Premises

The only requirement under Section 346(4) Order to remedy condition of Part XV, Dangerous or Unsightly Premises of the Municipal Government Act states:

“The notice may be served by being posted in a conspicuous place upon the property or may be served upon the owner.”

Improperly Placed Curbside Solid Waste

The only requirement under Section 10(2) of Part II, Use of Sidewalks of By-Law S-300, Respecting Streets states:

“Where the owner fails to maintain the area between the curb and their property line as required by subsection (1) the Engineer or a peace officer may serve an Order to remove Improperly Placed Solid Waste upon the owner by posting the Order in a conspicuous place upon the property. Such an Order shall not be given on a collection day for the property pursuant to By-Law S-600 Solid Waste Collection and Disposal by- law.”

Removal of Sidewalk Snow & Ice

The only requirement under Section 6(1) of Part I, Removal of Ice & Snow from Sidewalks of By-Law S-300, Respecting Streets states:

“Where the owner fails to remove snow or ice from sidewalks or structures as required by this By-law, the Engineer or a peace officer may serve an Order to Remove Snow & Ice from Sidewalks upon the owner by posting the Order in a conspicuous place upon the property.”

DISCUSSION

Dangerous Or Unsightly Premises

Although there is no legislative requirement, Orders to Remedy are sent by registered mail. This business practice has been in place since By-Law Services fell within the purview of Community Projects approximately 5 years ago.

Improperly Placed Curbside Solid Waste

The legislation requires a 24 hour Order to be posted. It is not practical to send by registered mail as it would arrive after the 24 hour period.

Removal of Sidewalk Snow & Ice

The legislation requires a 24 hour Order to be posted. It is not practical to send by registered mail as it would arrive after the 24 hour period.

Improve the Current Policy

Staff is reviewing the feasibility and related administrative and postage costs of sending copies of the 24 hour Orders for Improperly Placed Curbside Solid Waste and Removal of Sidewalk Snow & Ice through regular mail. This business practice would confirm that the property owner, as registered through the Nova Scotia Property Online database, would receive notification of the 24 hour Order in addition to posting the Order on the property.

Staff has been in contact with Councillor Hendsbee regarding his concern and this will be addressed independent of this report.

BUDGET IMPLICATIONS

There are no budget implications as a result of this report.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

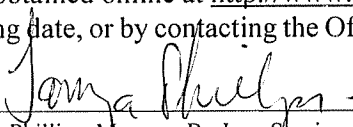
There are no recommended alternatives.

ATTACHMENTS

None

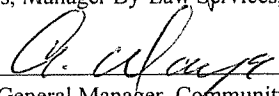
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by :


Tanya Phillips, Manager By-Law Services, Community Projects, HRP

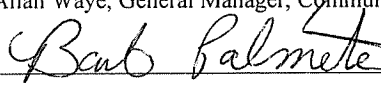
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Approved By:


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490-6484

Financial Review :


Barb Palmeto, Financial Consultant

490-7221