



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

## Item No. 11.1.18

Halifax Regional Council  
June 10, 2008

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

\_\_\_\_\_  
Dan English, Chief Administrative Officer

\_\_\_\_\_  
Geri Kaiser, DCAO - Corporate Services and Strategy

**DATE:** June 4, 2008

**SUBJECT:** Administrative Order 32 - Public Hearing Requirement For By-laws

### **ORIGIN**

Notice of Motion was given at Regional Council on May 27, 2008 that at the next meeting of Regional Council Deputy Mayor Adams intended to move a motion to amend Administrative Order Number 32, Respecting the Procedures For Developing By-Laws For Consideration By Regional Council, to clarify that public hearings are only required in certain instances.

### **RECOMMENDATION**

It is recommended that Regional Council amend Administrative Order 32 by adding to subsection 8(k) the following:

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

### **BACKGROUND**

Currently, Administrative Order 32 appears to assume that public hearings will be conducted in advance of a by-law or any amendments thereto being given second reading, without explicitly stating that such is required.

## **DISCUSSION**

### **Rationale:**

The *Municipal Government Act* (“MGA”) requires a public hearing for planning documents, including land use by-laws. For non planing documents, the MGA requires First and Second Reading and Administrative Order Number One simply requires public input. Some Nova Scotia municipalities do not hold public hearings before adopting non planning bylaws or amendments thereto.

It is recommended that Administrative Order Number 32 be amended to provide that public hearings are not required for non planning bylaws unless otherwise determined by Regional Council.

### **Amendment:**

It is recommended that Regional Council amend subsection 8(k) of Administrative Order 32 by adding immediately preceding the final sentence the following:

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

A consolidated version of subsection 8(k) is attached hereto as Appendix “A”, the amendment being bolded.

## **BUDGET IMPLICATIONS**

There are no budget implications associated with 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**


- (1) Regional Council could amend the wording.
- (2) Regional Council could delete the proposed amendment.


## **ATTACHMENT**

Appendix “A”.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.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: Derk G. Slaunwhite, Solicitor, 490 4226

Report Approved by:   
M. E. Donovan, Director, Legal Services and Risk Management, 490 4226

Financial Approval by:   
Catherine Sanderson, Senior Manager, Financial Services, 490-1562

## APPENDIX “A”

Administrative Order 32 would state:

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.