


**Item No. 10.1.1**  
**Halifax Regional Council**  
**February 5, 2013**

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

**SUBMITTED BY:** Original signed by   
Richard Butts, Chief Administrative Officer

Original Signed by  
Mike Labrecque, Deputy Chief Administrative Officer

**DATE:** January 28, 2013

**SUBJECT:** General Application By-law Procedure Revisions:  
Administrative Orders One and Thirty-two Amendments

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### **ORIGIN**

This report originates from staff in relation to the Regional Council enacted process for the development and adoption of general application by-laws under Administrative Orders One and Thirty-two.

### **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter* (“HRM Charter”), subsection 183 (6) “The Council may, by policy, further determine the procedure to be followed and the notice to be given with respect to the introduction and passing of by-laws.”

Administrative Order One, the *Procedure of Council Administrative Order*, section 64.

Administrative Order 32, the *By-law Development Administrative Order*.

### **RECOMMENDATION**

It is recommended that Regional Council adopt the amendments to Administrative Order One and Administrative Order Thirty-two, as set out in Appendices B and E attached hereto.

## **BACKGROUND**

For all by-laws that are not planning related, the *HRM Charter* requires a by-law be given: First Reading, advertising of Second Reading, Second Reading, Ministerial approval (if required) and publication. The *HRM Charter* allows Regional Council to enact additional procedures for the adoption of by-laws which Regional Council has enacted in section 64 and section 65 of Administrative Order One, the *Procedure of Council Administrative Order*, and Administrative Order Thirty-two, the *By-law Development Administrative Order*.

The current process for a proposed by-law, including a proposed amendment to a by-law, required by the *HRM Charter*, Administrative Order One, and Administrative Order Thirty-Two is as follows:

- 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.
- Once initiated, the responsible business unit for the proposed by-law contacts the appropriate business units.
- Staff works with the municipal stakeholders that are affected by the proposed by-law including other Departments and Committees of Council.
- Staff contacts external stake holders (if appropriate).
- Staff drafts a proposed by-law, any amendments to Administrative Order 15, the License, Permits and Processing Fees Administrative Order (if required), and a staff report.
- Legal Services reviews the draft by-law and any amendments to Administrative Order 15.
- Legal Services makes any required changes to the drafts.
- A final by-law, any amendments to Administrative Order 15 and the staff report are presented to the By-law Rationalization Working Group.
- The By-law Rationalization Working Group approves the By-law, any amendments to the Administrative Order 15 and forwards them to Regional Council for consideration.

- the Regional Council process is as follows:

Week 1                      Agenda Package circulated to Members of Council on Tuesday afternoon – one week before the Regional Council meeting.

Week 2                      Approval in principle (and notice of motion may be given).

Week 3                      Notice of motion (if it is not given at the approval in principle stage).

Week 4                      First Reading – Tuesday  
First Reading is decided without amendment or debate.  
By-law may be referred to Standing Committee or Council in Committee.

Week 4                      Advertisement in a newspaper stating the object of the by-law, the date and time of the meeting where the by-law will be discussed and the place where the by-law may be inspected – Saturday

Advertisement also notes public hearing (if Regional Council decides to have a public hearing).

Week 7                      Second Reading  
Public Input and Debate  
Vote on the motion to adopt or not adopt the by-law.

- Ministerial approval is sought (if required)

- Publication                      Notice is published in a newspaper notifying the public that the by-law has been adopted.

- Effective date of by-law      The by-law comes in force on the later of the date in the by-law or the date of publication.

## **DISCUSSION**

In 2012, Catalyst Consulting was hired to undertake a review of the Legal Services Department. The resulting report from that review identifies a need to update and streamline processes such as contracts, leases, real property and by-laws. A By-law Co-ordinator has been hired to provide additional resources for by-law review and consolidation. As a first step in the by-law review process, Legal Services is recommending that Administrative Order One (in relation to the by-law procedure only) and Administrative Order Thirty-two be revised to:

- make housekeeping amendments; and
- streamline the by-law adoption process by dissolving the By-law Rationalization Working Group, removing the approval in principle step, and allowing debate at First Reading.

### **Administrative Order Thirty-two - Housekeeping**

Administrative Order Thirty-two requires some housekeeping amendments. These amendments include:

- selecting a consistent spelling of the word “by-law”;
- numbering some paragraphs that are not numbered or renumbering paragraphs that are incorrectly numbered;
- replacing references to the *Municipal Government Act* with the *HRM Charter*;
- minor clarifications; and
- removing the specific reference to the weekday and time for filing the recommendation report with the Clerk’s Office and replacing it with general language so the time for filing such reports remains current with the timeline for filing all Regional Council reports.

Staff is recommending the aforementioned housekeeping amendments.

### **Administrative Order Thirty-two – By-law Drafting**

Currently, Administrative Order Thirty-two requires the originating business unit draft the by-law in consultation with Legal Services. With the By-law Co-ordinator in place, Legal Services is recommending that it draft the by-laws in consultation with the responsible business unit.

### **Administrative Order One and Thirty-Two - Streamlining the Adoption Process**

Administrative Order Thirty-two creates a By-law Rationalization Working Group to review by-laws before they proceed to Regional Council. The Working Group was created in 2003 with members from 11 different parts of the municipality. Rather than having one Working Group made up of a specified group of business units, staff is recommending the Working Group be removed from the Administrative Order thereby allowing staff to ensure that the appropriate people are consulted. Such consultations could include business units that are not part of the current Working Group. In place of the By-law Rationalization Working Group, for each proposed by-law, Legal Services will identify the appropriate staff who are stakeholders in the proposed by-law and create a working group comprised of that staff.

Administrative Order Thirty-two also requires Regional Council to approve in principle the by-law before Notice of Motion is given. If a by-law is approved in principle but Notice of Motion is not given at the same meeting, at least a week is added to the adoption process. Administrative Order One does not allow debate at First Reading so debate occurs at the approval in principle stage and Second Reading. If the debate at Second Reading materially changes the substance of the proposed by-law, a new notice of Second Reading must be advertised.

If debate at First Reading was allowed, approval in principle could be removed from the adoption process as Regional Council could pass, defeat or amend the by-law at First Reading. If

Regional Council directs staff to make amendments to the proposed by-law, the amendments will be made and the amended by-law will be forwarded to Regional Council for First Reading. Regional Council may then debate the proposed amended by-law and pass, defeat or further amend the by-law. Once the by-law passes First Reading, the by-law proceeds to advertisement and Second Reading.

Staff is recommending that:

- the approval in principle requirement be removed from Administrative Order Thirty-two so a by-law proceeds directly to Notice of Motion. This will remove one step from the by-law adoption process.
- section 64 of Administrative Order One be amended to provide Council the discretion to debate the by-law at First Reading. This amendment allows Regional Council the flexibility to debate the proposed by-law before advertising Second Reading while removing one step from the adoption process. Debate at First Reading means Regional Council may: (1) defeat First Reading, resulting in the by-law not proceeding any further in the legislative process, (2) direct staff to make changes to the by-law and bring the by-law back to Regional Council for First Reading, or (3) pass First Reading and proceed with notice advertising Second Reading.

### **FINANCIAL IMPLICATIONS**

None

### **COMMUNITY ENGAGEMENT**

None

### **ENVIRONMENTAL IMPLICATIONS**

None

### **ALTERNATIVES**

- 1) Regional Council may continue the By-law Rationalization Working Group in Administrative Order Thirty-two. Staff does not recommend this option as it requires staff who are not affected by the proposed by-law attend the meeting of the Working Group.

If this option is selected, staff is recommending that:

- i) the name be revised to remove the word “rationalization” as the Working Group would review all by-laws, not just by-law consolidations; and

- ii) the names of the specific business units who are members of the Working Group be removed and replaced with a requirement for at least one member from each Department. This will allow the Working Group to remain current if the administration of the municipality is restructured in the future.
- 2) The requirement for approval in principle could be retained which would continue to allow Regional Council to defeat the by-law before proceeding to Notice of Motion. Staff is not recommending this option as approval in principle can add an unnecessary additional week to the adoption process.

**ATTACHMENTS**

Appendix A	Proposed changes to section 64 of Administrative Order One (page 7)
Appendix B	Amendments to section 64 of Administrative Order One (page 8)
Appendix C	Consolidated sections 64 and 65 of Administrative Order One (page 9)
Appendix D	Proposed changes to Administrative Order Thirty-two (pages 10 – 18)
Appendix E	Amendments to Administrative Order Thirty-two (pages 19 - 25)
Appendix F	Consolidated Administrative Order Thirty-two (pages 26 – 30)

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

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Financial Approval by: \_\_\_\_\_  
Greg Keefe, Director of Finance and ICT/CFO, 490-6308

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**Appendix A**

(Showing proposed changes to Administrative Order One)

**ADMINISTRATIVE ORDER ONE,**

**THE PROCEDURE OF COUNCIL ADMINISTRATIVE ORDER**

**By-law Procedure**

64. (1) No by-law, and no repeal, alteration or amendment of any by-law, shall be passed by Council unless at least one week's notice has been first given to Council.
- (2) Subsection (1) does not apply to the adoption of planning documents pursuant to Parts VIII and IX of the Municipal Government Act.
- (3) The question: "That this By-law be now read a first time" ~~shall~~ **may** be decided ~~without~~ **with** amendment ~~or~~ **and/or** debate.
65. (1) A proposed by-law may be referred after the first reading to a standing committee or to the Council in Committee to report upon the leading features of the proposed by-law and any proposed amendments.
- (2) After the required notice has been published, Council ~~shall~~ **may** receive public input and the proposed by-law shall be open for debate and amendment in second reading. Further direction on Council procedures related to the adoption of By-laws can be found in Administrative Order # 32 – Respecting Procedures for Developing By-laws for Consideration by Regional Council.

**Appendix B  
(Amendments to Administrative Order One)**

**HALIFAX REGIONAL MUNICIPALITY**

**ADMINISTRATIVE ORDER NUMBER ONE**

**RESPECTING THE PROCEDURE OF COUNCIL ADMINISTRATIVE ORDER**

**BE IT RESOLVED THAT ADMINISTRATIVE ORDER ONE**, the procedure of Council Administrative Order, as amended, is further amended is follows:

1. Subsection 3 of section 64 is amended by:
  - (a) striking out the word “shall” after the word “time” and before the word “be”;
  - (b) adding the word “may” after the word “time” and before the word “be”;
  - (c) striking out the word “without” after the word “decided” and before the word “amendment”;
  - (d) adding the word “with” after the word “decided” and before the word “amendment”;
  - (e) striking out the word “or” after the word “amendment” and before the word “debate” ; and
  - (f) adding the words “and/or” after the word “amendment” and before the word “debate”.
  
2. Subsection 2 of section 65 is amended by:
  - (a) striking out the word “shall” after the word “Council” and before the word “receive”; and
  
  - (b) adding the word “may” after the word “Council” and before the word “receive”.



**Appendix C  
(Proposed changes incorporated)**

**ADMINISTRATIVE ORDER ONE,  
THE PROCEDURE OF COUNCIL ADMINISTRATIVE ORDER**

**By-law Procedure**

64. (1) No by-law, and no repeal, alteration or amendment of any by-law, shall be passed by Council unless at least one week's notice has been first given to Council.
- (2) Subsection (1) does not apply to the adoption of planning documents pursuant to Parts VIII and IX of the Municipal Government Act.
- (3) The question: "That this By-law be now read a first time" may be decided with amendment and/or debate.
65. (1) A proposed by-law may be referred after the first reading to a standing committee or to the Council in Committee to report upon the leading features of the proposed by-law and any proposed amendments.
- (2) After the required notice has been published, Council may receive public input and the proposed by-law shall be open for debate and amendment in second reading. Further direction on Council procedures related to the adoption of By-laws can be found in Administrative Order # 32 – Respecting Procedures for Developing By-laws for Consideration by Regional Council.

## Appendix D

(Showing Proposed Amendments to Administrative Order Thirty-two)

### 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 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.
- (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.

#### 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~~ *Halifax Regional Municipality Charter*.

#### ~~By-Law Rationalization Working Group~~

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

- ~~a) — Financial Services~~
- ~~b) — Shared Services~~
- ~~e) — 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 and Recreational Services.~~  
**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 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; **or**
- c) **By staff, 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 bylaws 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. **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.

### 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~~ Legal Services, the originating business unit shall forward the staff report, draft ~~b~~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, ~~At the Council meeting,~~ a member of Regional Council may give a notice of motion for first reading of the ~~b~~By-law.
- (2) Any amendments to ~~b~~By-laws as a result of debate/discussion at Council will be made by ~~Legal Services in consultation with~~ the originating business unit ~~in consultation with and~~ 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.~~ Repealed.

### Approval Process

8. (1) 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 ~~b~~By-law and accompanying report is submitted to Council. The steps below outline the process and time frames involved. ~~All b~~By-laws require a Notice of Motion and Two Readings and ~~the process for the adoption of a By-law is as follows:~~

#### Notice of Motion

- ~~i)~~ 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 ~~b~~By-law and supporting staff report, Council gives First Reading to the ~~b~~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.

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

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

(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. ~~The proposed amendment to the Administrative Order would be included on the Council Agenda the following week for approval.~~

(3) 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.~~

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

9. Once a By-law is adopted 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~~ 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.

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

10. (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 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) (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 ~~on the "R" Drive as follows: R:\HRM Common Directory\Legis\Bylaws\BI-index.123.~~



Schedule "A"

**BY-LAW TEMPLATE**

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

**By-law Name:**

**Short Title:**

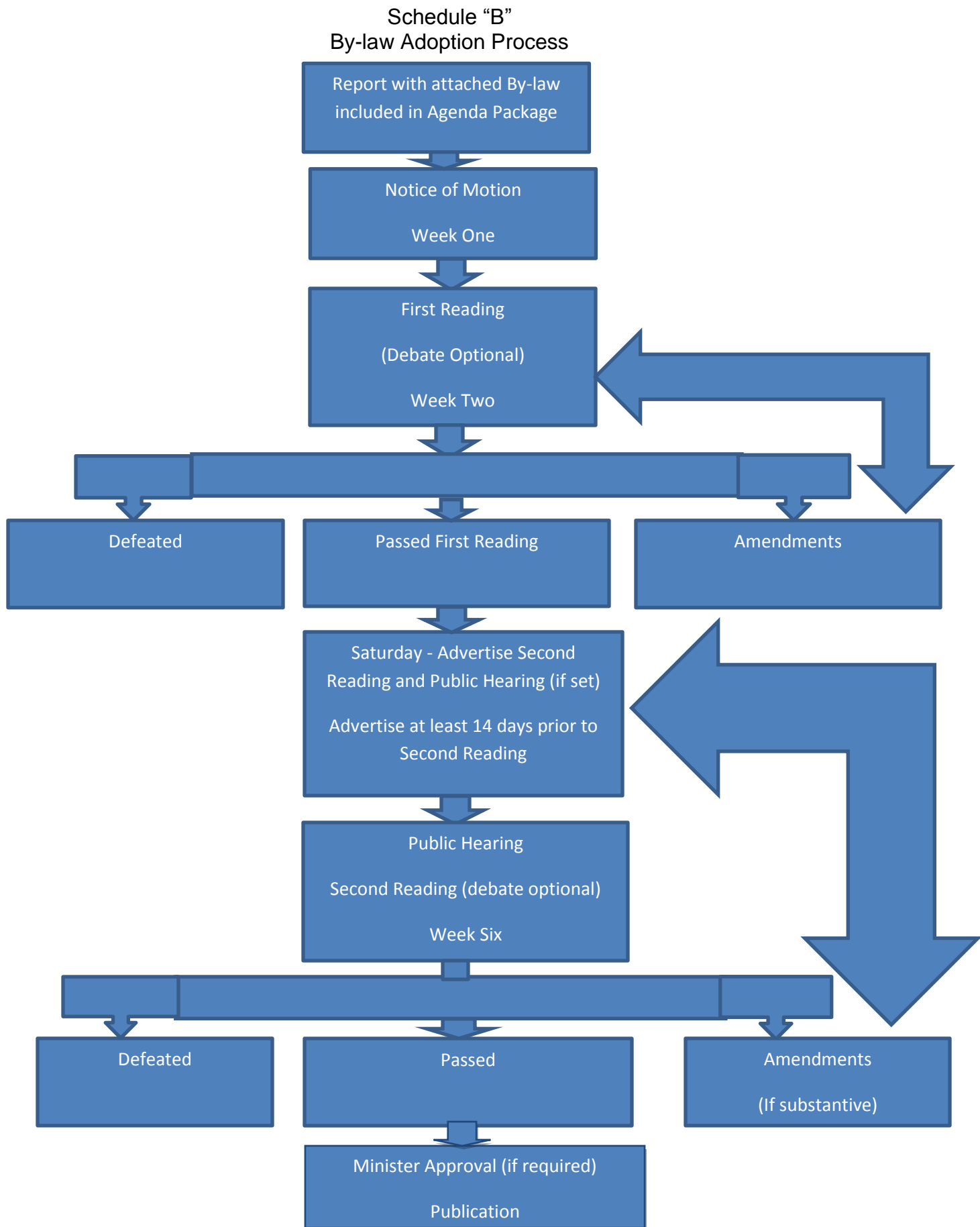
**Interpretation/Definitions**

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

**Repeal Section:** *(if necessary)*

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk



**Appendix E**  
**(Amendments to Administrative Order Thirty-two)**

**HALIFAX REGIONAL MUNICIPALITY**  
**ADMINISTRATIVE ORDER NUMBER 32**  
**RESPECTING THE PROCEDURES FOR DEVELOPING BY-LAWS**  
**FOR CONSIDERATION BY REGIONAL COUNCIL**

**BE IT RESOLVED THAT ADMINISTRATIVE ORDER 32**, the By-law Development Administrative Order, as amended, is further amended is follows:

1. The recital is amended by adding the words “pursuant to subsection 6 of section 183 of *the Halifax Regional Municipality Charter*” after the “Municipality” and before the words “as follows”.
2. Subsection 1 of section 2 is amended by capitalizing the word “by-law” after the word “consistent” and before the word “writing”.
3. Subsection 2 of section 2 is amended by:
  - (a) capitalizing the word “by-law” after the:
    - (i) words “to all” and before the word “including”;
    - (ii) after the word “including” and before the word “developed”; and
    - (iii) after the word “existing” and before the period “.”; and
  - (b) adding the words “or consolidate” after the words “to amend” and before the word “existing”.
4. Section 3 is amended by:
  - (a) striking out the words “Municipal Government Act” after the words “of the” and before the period “.”; and
  - (b) adding the words “*Halifax Regional Municipality Charter*” after the words “of the” and before the period “.”.
5. Section 4 is repealed.
6. Section 5 is amended by:
  - (a) adding the words “By a” after the reference “a)” and before the word “Member” in clause a;
  - (b) adding a semi colon “;” after the word “Council” in clause a;

- (c) adding the words “By an” after the reference “b)” and before the word “Advisory” in clause b;
  - (d) striking out the “s” at the end of the word “Committees” in clause b;
  - (e) adding a semi colon and the word “or” after the word “meeting” at the end of clause b;
  - (f) striking out the word “Staff” after the reference “c)” and before the words “by means” in clause c; and
  - (g) adding the words “By staff” after the reference “c)” in clause c.
7. Section 6 is repealed.
8. Section 6A is added after the repealed section 6 and before section 7, as follows:
- 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 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.
9. The header of section 7 is amended by striking out the words “Approval in Principle By” before the word “Regional”.
  10. Subsection 1 of section 7 is amended by:
    - (a) striking out the words “the By-law Rationalization Group ” after the word “by” and before the comma and words “the originating”;
    - (b) adding the words “Legal Services” after the word “by” and before the comma and the words “the originating”;
    - (c) capitalizing the word “by-law” after the word “draft” and before the word “and”;
    - (d) striking out the words and sentences “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.”;
- (e) adding the words and comma “At the Council meeting,” after the period and words “Regional Council meeting” and before the words “a member”; and
  - (f) capitalizing the word “by-law” after the words “of the” and before the period “.”.
11. Subsection 2 of section 7 is amended by:
- (a) capitalizing the word “by-law” after the word “to” and before the words “as a result”;
  - (b) adding the words “Legal Services in consultation with” after the words “made by” and before the words “the originating”;
  - (c) striking out the words “in consultation with” after the word “unit” and before the words “all affected”;
  - (d) adding the word “and” after the word “with” and before the words “all affected”;
  - (e) striking out the words “and Legal Services” after the words “business units” and before the period “.”; and
  - (f) striking out the last sentence “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).”
12. Subsection 3 of section 7 is repealed.
13. Section 8 is amended by capitalizing the word “by-law”:
- (a) after the words “once the” and before the word “and” in the first paragraph of section 8;
  - (b) after the word “All” and before the word “require” in the third sentence of section 8;
  - (c) after the word “proposed” and before the words “and supporting” and after the words “to the” and before the period “.” in clause j of section 8;
  - (d) after the words “of the” and before the words “, the date” after the word “proposed” and before the words “may be”; and after the words “process of” and before the period “.” in clause k of section 8;
  - (e) after the words “of the” and before the words “to the” in subclause 1 of clause l of section 8;
  - (f) after the words “of the” and before the words “are signed”; and after the word “approved” and before the word “is” in subclause 2 of clause l of section 8;
  - (g) after the words “of the” and before the words “to the” in subclause 3 of clause l of section 8;
  - (h) after the words “of the” and before the words “with the”; and after the words “in the” and before the words “, its effective” in subclause 4 of clause l of section 8;

- (i) after the words “of the” and before the words “is placed”; and after the words “of the” and before the period “. “ in subclause 5 of clause l of section 8;
  - (j) after the word “original” and before the words “is securely” in clause m of section 8; and
  - (k) after the word “A” and before the word “index” in clause n of section 8.
14. Clause i of section 8 is amended by:
- (a) striking out the words “Pursuant to Section 48 (1) of the Municipal Government Act,” after the reference “i)” and before the words “a member”; and
  - (b) capitalizing the word “a” after the reference “i)” and before the word “member”;
15. Clause j of section 8 is amended by adding the following sentences after the last sentence as follows:
- 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.
16. Clause k in section 8 is amended by:
- (a) striking out the words “The table below illustrates the” after the word “obtained” and before the words “the time”;
  - (b) adding the words “A table illustrating” after the word “obtained” and before the period and before the words “the time”;
  - (c) adding the words “is attached hereto as Schedule B” after the word “by-laws” and before the chart;
  - (d) repealing the chart;
  - (e) adding the words “and the by-law is adopted. At the next meeting of Council, the amendment to the Administrative Order is considered” after the words “is given” and before the period;
  - (f) striking out the sentence “The proposed amendment to the Administrative Order would be included on the Council Agenda the following week for approval.”; and
  - (g) striking out the sentence “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.”
17. Clause l of section 8 is amended by:

- (a) striking out the word “approved” after the word “Once” and before the word “by”;
  - (b) adding the words “a By-law is adopted” after the word “once” and before the word “approved”;
  - (c) striking out the word “instances” in subclause 3;
  - (d) capitalizing the word “Where” in subclause 3;
  - (e) striking out the word “bylaw” after the word “approved” and before the word “is” and striking out the words “Section 169 of the Municipal Government Act” after the words “pursuant to” and before the words “the Clerk”, in subclause 4 of clause 1 of section 8;
  - (f) adding the word “By-law” after the word “approved” and before the word “is” and adding the words “section 184 of the *Halifax Regional Municipality Charter*,” after the words “pursuant to” and before the words “the Clerk”; in subclause 4 of clause 1 of section 8; and
  - (g) adding the word “A” after the reference v in subclause v of clause 1 of section 8 and de-capitalizing the word “Certified” in subclause v of clause 1 of section 8.
18. Clause m of section 8 is amended by:
- (a) capitalizing the word “office” after the word “Clerk’s” and before the period; and
  - (b) striking out the words and comma “ , on the “R” drive under HRM Common Directory\Legis\Bylaws and on the HRM Internet site” after the word “externally” and before the period.
19. Clause n of section 8 is amended by:
- (a) capitalizing the word “index” after the word “by-law” and before the bracket and the word “detailing” in clause n of section 8; and
  - (b) striking out the words “on the “R” Drive as follows: R:\HRM Common Directory\Legis\Bylaws\Bl-index.123” after the word “Office” and before the period.
18. Section 8 is amended by numbering or renumbering the following clauses by:
- (i) renumbering the first paragraph of section 8 as subsection 1 of section 8;
  - (ii) striking out the alphabetical reference of “i” under the subheading “Notice of Motion” in subsection 1 of section 8;
  - (iii) striking out the alphabetical reference of “j” before the word “First Reading” in subsection 1 of section 8;
  - (iv) striking out the alphabetical reference of “k” before the words “Second Reading” in subsection 1 of section 8;
  - (v) numbering the paragraph starting with the words “A Notice of Motion to amend” as subsection 2 of section 8;
  - (vi) numbering the paragraph starting with the words “A public hearing” as subsection 3 of section 8;



- (vii) striking out the alphabetical reference of “l” in clause 1 of section 8 before the word “Signage” and renumbering the paragraph starting “Once approved” as section 9;
- (viii) striking out the alphabetical reference to clause “m” of section 8 before the word “Distribution” and renumbering the paragraph starting “The original” as subsection 1 of section 10; and
- (ix) striking out the alphabetical reference to clause “n” of section 8 before the words “A by-law”; and renumbering the paragraph starting “A by-law” as subsection (2) of section 10.

**Appendix F**  
**(Proposed Changes Incorporated)**

**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 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.

(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.

**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 *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 By-laws 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.

**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)*

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

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

