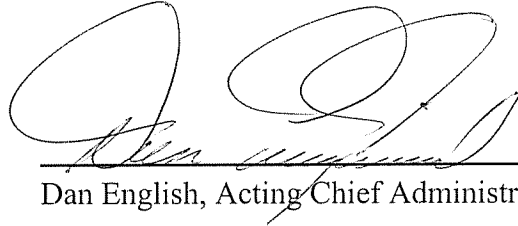

Halifax Regional Council
January 07, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Acting Chief Administrative Officer

DATE: November 6, 2002

SUBJECT: **Administrative Order 32**
The By-law Development Administrative Order

ORIGIN

The Staff By-law Rationalization Working Group.

RECOMMENDATION

It is recommended that Halifax Regional Council adopt Administrative Order Number 32 Respecting The By-law Development Administrative Order.

BACKGROUND/DISCUSSION

As a part of the By-law Rationalization Process, the Working Group has developed a procedure which it is recommending be followed in the development of new and the consolidated and amending of current by-laws in the future. This process would 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. It is recommended by the Working Group that the process be incorporated into an Administrative Order and formally approved by Regional Council such that there would be an expectation on the part of Council that the procedure would be followed by all HRM staff before a by-law is brought before Regional Council for consideration for adoption.

The Administrative Order formally creates the By-law Rationalization Working Group made up of appointees from the various business units of HRM.

Under the process, the responsibility for the development of by-laws would rest with the lead business unit responsible for policy in the matrix developed by the By-law Rationalization Working Group. The lead business unit would be assisted in the drafting and approval process by a staff lawyer assigned by HRM Legal Service. The lead business unit will consult with all business units involved in the licensing, administration, remedy and enforcement of the By-law throughout the process and with Financial Services to address any financial considerations. If there is a committee of Council or external stakeholder groups with an interest in the by-law, the lead business unit shall also consult with those committees and stakeholder groups.

On completing the proposed by-law, the lead business unit shall also complete any necessary amendments to the License, Permits and Processing Fees Administrative Order (Administrative Order 15) and have the by-law and administrative order approved as to form by Legal Services. The lead business unit shall then complete a template approved by the By-law Rationalization Working Group which will identify the outcomes of a by-law, business units who will be responsibly for various aspects of its administration, how it will be implemented and the resources required. The By-law, Administrative Order, template and draft staff report shall then be forwarded to the Working Group for its review and approval. No By-law shall proceed to Regional Council with a recommendation for adoption until the Working Group has reviewed the By-law and approved its proceeding to Regional Council for adoption.

After the By-Law and Administrative Order 15 amendments have been approved by the By-law Rationalization Working Group, the lead business unit shall forward the staff report, draft by-law and Administrative Order 15 amendments to Regional Council to give Council an opportunity to discuss the proposed by-law in detail and approve it in principle prior to the formal Notice of Motion being given. If, as a result of the debate, any amendments are proposed, these will be referred back to the Working Group to assess their administrative and resource implications.

The remainder of the Administrative Order merely outlines the formal process before Council.

BUDGET IMPLICATIONS

There are no budget implications at this time. However, one of the purposes of the process is to clearly identify the financial and resource implications of the adoption of any by-law.

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

Halifax Regional Municipality - Administrative Order Number 32 - the By-law Development Administrative Order.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Wayne Anstey, Q.C., Municipal Solicitor

Report Approved by:


Wayne Anstey, QC, Municipal Solicitor

Appendix "A"

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 (following the minimum 14 day advertising requirement)

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.

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.

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