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PO Box 1749
Halifax, Nova Scotia
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Halifax Regional Council

August 19, 2003

August 26, 2003
September 23, 2003

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Dan English", written over a horizontal line.

Dan English, Acting Chief Administrative Officer

DATE: August 8th, 2003

SUBJECT: **By-Law V-101, Respecting Amendments to Various By-Laws to include Minimum Fines to invoke the Summary Offence Ticket provisions of the *Summary Proceedings Act***

ORIGIN

The By-Law Rationalization Working Group has identified several HRM by-laws that require amendments to satisfy the provisions of the *Summary Proceedings Act* which enables the Municipality to enforce by-laws through the issuing of Summary Offence Tickets (SOT's).

RECOMMENDATION

It is recommended that:

1. Regional Council approve in principle and direct staff to arrange for formal adoption of the amendments to the 21 by-laws specified in Appendix A.

These amendments provide the appropriate minimum fines for By-Law infractions and empower the HRM to invoke the summary offence ticket provisions of the *Summary Proceedings Act*.

BACKGROUND

The Effective Punitive Measures Update report submitted to Regional Council on May 27, 2003, identified that Legal Services would submit a report to the Province requesting that the *Summary Proceedings Act* be amended to give applicable by-laws the authority to issue SOT's. During the drafting of the above mentioned report to the Province, it was identified that a strict interpretation of the *Summary Proceedings Act* requires that minimum fines be included on all by-laws in order to invoke the authority to issue SOT's.

DISCUSSION

In order to issue an SOT with the intent for an out of court settlement, a minimum fine amount must be established in the applicable By-Law.

The out of court settlement amount written on the SOT consists of the minimum fine outlined in the by-law, plus court costs in the amount of \$100.00 and a victim surcharge of 15% of the minimum fine.

The minimum fines recommended for adoption in Appendix A, were determined by one of two methods.

1. The minimum fines for those by-laws that currently have the ability to issue SOT's (where an out of court settlement amount is already identified in the Summary Proceedings Schedule) were determined by taking the out of court settlement amount identified and subtracting the \$100.00 court cost, and subtracting 15% of the remaining amount.
2. The minimum fines for those by-laws that do not currently have the ability to issue SOT's (where an out of court settlement amount is not identified in the Summary Proceedings Schedule) were kept consistent with minimum fines of similar municipal by-laws in Nova Scotia and other Provinces.

BUDGET IMPLICATIONS

There are no budget implications resulting at this time.

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.

REGIONAL PLANNING IMPLICATIONS

N/A

ALTERNATIVES

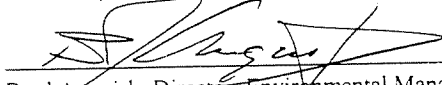
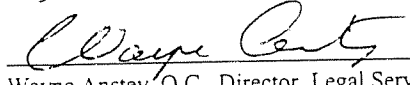
N/A

ATTACHMENTS

Appendix A - Proposed amendments:

**Minimum Fines for By-Law Violations
Council Report**

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:	Craig Horton, Project Controller, Community Projects	490-4432
Report Approved by:	Allan Waye, General Manager, Community Projects	490-6484
Report Approved by:	 Brad Anguish, Director, Environmental Management Services	490-4825
	 Wayne Anstey, Q.C., Director, Legal Services	490-4229
	Paul Dunphy, Director, Planning & Development Services	490-4933
	Mike Labreque, Director, Real Properties & Assets Management Services	490-4851
	Michael Eddy, Chief Director, Fire & Emergency Services	490-4238
	Rick Paynter, Director, Public Works & Transportation Services	490-4855

APPENDIX A

HALIFAX REGIONAL MUNICIPALITY
BY-LAW NUMBER V-101

**Respecting Amendments To Various By-laws Respecting The Inclusion Of Minimum Fines
To Invoke The Summary Offence Ticket Provisions Of The Summary Proceedings Act**

BE IT ENACTED by the Council of the Halifax Regional Municipality as follows:

1. Section 32 of By-Law C-200, the Municipal Cemeteries By-Law is amended by adding immediately after the phrase “fine of” the phrase “of not less than One Hundred Dollars (\$100) and...”
2. (1) Subsection (1) of Section 22 of By-Law D-100, the Dog By-Law is amended by adding immediately after the phrase “penalty of” the phrase “not less than One Hundred Dollars (\$100) and...”

(2) Subsection (2) of said Section 22 is amended by adding immediately after the phrase “penalty of” the phrase “not less than One Hundred Dollars (\$100) and...”
3. Subsection (3) of Section 9 of By-Law E-200, the Encroachment Bylaw is amended by adding immediately following the word “penalty” the phrase “not less than \$100...”
4. Section 8.1.4.1.(1) of By-Law F-100, the Fire Prevention By-Law is amended by adding immediately after the phrase “fine of” the phrase “not less than One Hundred Dollars (\$100) and...”
5. Section 5 of By-Law H-100, the Civic Holiday By-Law is amended by adding immediately after the phrase “penalty of” the phrase “not less than Two Hundred and Fifty Dollars (\$250.00) and...”
6. Section 11 of By-Law L-200, the C&D Materials Recycling and Disposal License By-Law is amended by adding immediately after the word “penalty” the phrase “ of not less than \$500.00 and...”
7. Section 8.1 of By-Law L-300, the Lot Grading By-law is amended by adding immediately after the word “fine” the phrase “ of not less than one hundred dollars (\$100.00) and...”

8. Subsection (2) of Section 32 of By-Law M-100, the Standards for Residential Occupancies By-Law is amended by adding immediately after the word “penalty” the phrase “of not less than One Hundred Dollars (\$100) and...”
9. Section 8 of By-Law N-200, the Noise By-Law is amended by adding immediately after the phrase “fine of” the phrase “not less than one hundred and twenty-five dollars (\$125.00) and...”
10. Section 1.10.1 of By-Law P-400, the Plumbing By-Law is repealed.
11. Section 18 of By-Law P-600, the Municipal Parks By-Law is amended by adding immediately after the word “penalty” the phrase “of not less than \$100 and...”
12. Subsection (1) of Section 12 of By-Law P-800, the Pesticides By-Law is amended by adding immediately after the phrase “penalty of” the phrase “not less than \$100 and...”
13. Section 8 of By-Law P-1000, the On-Street Parking Exemptions and Permits By-law is amended by adding immediately after the phrase “summary conviction to a” the phrase minimum fine of \$100 and...”
14. Subsection (1) of Section 45 of By-Law S-300, the Streets By-Law is amended by adding immediately after the phrase “penalty of” the phrase “not less than one hundred dollars (\$100) and...”
15. Section 20.1 of By-Law S-600, the Solid Waste Resources and Disposal By-Law is amended by adding immediately after the phrase “penalty of” the phrase “not less than \$100.00 and...”
16. Section 74 of By-Law T-108, the Halifax Regional Municipality Taxi and Limousine By-law is amended by adding immediately after the phrase “fine of” the phrase “not less than One Hundred Dollars (\$100.00) and...”
17. Subsection (1) of Section 14 of By-Law T-600, the Trees By-Law is amended by adding immediately after the word “penalty” the phrase “of not less than \$100.00 and...”
18. Subsection (1) of Section 12 of By-Law W-101, the Wastewater Discharge By-Law is amended by adding immediately after the word “penalty” the phrase “of not less than five hundred dollars (\$500.00) and...”
19. Section 73 of Ordinance 180, the former City of Halifax Streets Ordinance is amended adding immediately after the phrase “penalty of” the phrase “not less than Twenty-Five Dollars and...”

20. Section 3 of By-Law 47, the former Halifax County Municipality Dumping of Garbage and Litter By-Law is amended adding immediately after the word “penalty” the phrase “of not less than Two Hundred and Fifty Dollars and...”

21. Section 12 of By-Law 8, the former Halifax County Municipality Mischiefs and Nuisances By-Law is amended deleting the words “not exceeding” and replacing them with the word “of”.