

**ADMINISTRATIVE ORDER NUMBER 2017-002-ADM
CHARTER OF GOVERNING PRINCIPLES FOR REGULATION**

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

WHEREAS the Province of Nova Scotia has adopted principles that guide regulators on regulatory reform and modernization

AND WHEREAS regulation is a powerful and sometimes necessary instrument of public policy that can support efficient and effective markets and protect consumers, workers, and the health, safety and environment of citizens and communities;

AND WHEREAS the purposes of the *Halifax Regional Municipality Charter* include enhancing, the ability of the Council to respond to present and future issues in the Municipality and recognizing that the functions of the Municipality are to provide good government and develop and maintain safe and viable communities;

AND WHEREAS unnecessary or outdated regulation can distort markets, unduly burden citizens, businesses and governments, and impede economic growth;

AND WHEREAS regulation should never be an instrument of first resort, and should be deployed only when necessary and where there is clearly no better policy alternative;

AND WHEREAS regulation should not impose undue costs and obligations on business, social enterprises, individuals and community groups unless a cost benefit analysis shows that the regulation is warranted;

AND WHEREAS the policy outcomes and impacts of regulation should be measurable;

Short Title

1. This Administrative Order may be cited as the *Charter of Governing Principles for Regulation Administrative Order*.

Purpose

2. The purpose of this Administrative Order is to set out considerations for the development, adoption, and implementation of new regulation in the Municipality.

Interpretation

3. In this Administrative Order,

- (a) "Council" means the Council of the Municipality;
- (b) "HRM Charter" means the *Halifax Regional Municipality Charter*, 2008, SNS. C.39, as amended;
- (c) "Municipality" means the Halifax Regional Municipality; and
- (d) "Regulation" means a by-law adopted by Council in the execution of a power granted by or under an enactment.

Application

4. (1) Subject to subsection 2, this Administrative Order is to be used in the development and consideration of new by-laws, amendments to existing by-laws, and the implementation of such by-laws that, in the opinion of the Municipality, will impose new restrictions on a business, industry, community or citizen.

(2) This Administrative Order shall not apply to land use by-laws or by-laws imposing local improvement charges.

Developing Regulation

5. The purpose of a Regulation and its outcomes shall be stated at the outset.
6. Regulations must not be inconsistent with an enactment of the Province or of Canada.
7. Unless Council otherwise directs, when developing a Regulation, the following will be considered:
 - (a) whether the Regulation is expected to achieve the stated purpose, including whether the Regulation is proportionate and targeted at the stated purpose;
 - (b) whether satisfactory outcomes can be achieved by alternative non-regulatory approaches;
 - (c) whether analysis of the costs and benefits demonstrates that the regulatory approach will achieve outcomes more effectively than the alternative non-regulatory approaches;
 - (d) whether the Regulation imposes unreasonable restrictions on those being regulated;
 - (e) the extent of existing municipal regulations in the area to be regulated;
 - (f) whether the new Regulation duplicates existing regulatory requirements and processes adding unnecessary complexity and burden on affected parties;
 - (g) the importance of accessible and transparent administrative processes and customer service standards in achieving efficient and effective regulatory performance;
 - (h) whether the Regulation responds to an existing community need rather than a current event;
 - (i) the anticipated costs of regulatory compliance for those being regulated and the costs of regulatory enforcement to the Municipality, including whether there is an ability to reduce such costs by repealing or amending existing regulations or the manner in which existing regulations are implemented;
 - (j) how success of the Regulation will be measured, including the outcomes that will be monitored if the regulation is adopted; and
 - (k) whether it would be appropriate to draft the Regulation in plain language.

Considerations for the Adoption of a Regulation

8. When considering Regulations, Council may consider:
 - (a) any consideration in section 5, 6, and 7 of this Administrative Order;
 - (b) if a Regulation is warranted;
 - (c) if the purpose of a Regulation may be achieved by an alternative means, including
 - (i) whether a Regulation is preferable to a self-regulatory approach, such as doing an education program, and
 - (ii) whether the alternative means of achieving the purpose of the Regulation will, in the opinion of Council, be ineffective in achieving the purpose;

- (d) if the remedial provisions of the Regulation are predictable, proportionate, and are targeted at compliance;
- (e) if the Regulation complies with this Administrative Order; and
- (f) any other matter Council considers appropriate.

Adoption Process

9. Subject to section 19 of the *HRM Charter*, Council meetings where a Regulation is considered must be open to the public.

10. Council will hold a public hearing before adopting a Regulation if:

- (a) a public hearing is required by the HRM Charter; or
- (b) Council decides it wants to hold a public hearing.

Review Regulation

11. (1) Adopted Regulations may be reviewed from time to time.

(2) Regulations that are reviewed must be reviewed objectively and may include external consultations.

Posting Regulations

12. Adopted Regulations must be made accessible to the public.

Effective Date

13. This Administrative Order comes into force February 1, 2018.

Mike Savage, Mayor

Kevin Arjoon, Municipal Clerk

I, Kevin Arjoon, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on December, 12, 2017.

Kevin Arjoon, Municipal Clerk

Notice of Motion:
Approval:
Effective Date:

December 5, 2017
December 12, 2017
February 1, 2018