

HALIFAX

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Item No. 10.1
Halifax Regional Council
February 26, 2019

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: February 4, 2019

SUBJECT: Noise By-law N-205 Supplemental Report- Notification to Councillors

SUPPLEMENTARY REPORT

ORIGIN

On December 11, 2018 the following motion was put and passed regarding item 14.1.2:

That Halifax Regional Council request a supplemental report regarding a process for notification to the Councillor when Noise By-law exemptions are granted or refused by staff.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, R.S.N.S. 2008, c. 39,:

Subsection 188(1) The Council may make by-laws, for municipal purposes, respecting:

(d) nuisances, activities and things that, in the opinion of the Council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations and, without limiting the generality of the foregoing, by-laws

- (i) prescribing a distance beyond which noise must not be audible,
- (ii) distinguishing between one type of noise and another,
- (iii) providing that any noise or sound greater than a specific decibel level or other measurement of noise or sound is prohibited,
- (iv) prescribing the hours during which certain noises, or all noise above a certain level, specified in the bylaw is prohibited,
- (v) authorizing the granting of exemptions in such cases as the by-law provides,
- (vi) providing that it is an offence to engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquillity of a neighbourhood;

By-law N-200, the *Noise By-law*

RECOMMENDATION

It is recommended that Halifax Regional Council adopt By-law N-205, amending By-law N-200, the *Noise By-law*, as set out in the staff report dated September 17, 2018.

BACKGROUND

Staff are recommending that By-law N-200, the *Noise By-law*, continue to require the initial application request for a noise exemption be approved by Regional Council. The amendment recommended by staff is to speed up the approval process for annual or reoccurring events such as Halifax Jazz Festival, Canadian Cancer Society Relay for Life, etc. Staff are recommending Regional Council set out criteria for a staff approval process for granting a noise exemption request. If the criteria is met, the CAO or designate can approve the noise exemption request.

DISCUSSION

During the December 11, 2018 Regional Council session, questions were raised about the notification process if a noise exemption was either granted or rejected by staff. Currently, when exemptions are granted the process is conducted at Regional Council, therefore all members are aware of the event and noise exemption application. Under the proposed amendment, noise exemption applications that meet the criteria set out in the By-law will be approved by staff. Staff will provide Regional Council members with updates regarding noise exemptions granted through the staff approval stream by way of correspondence through the Clerk's Office.

On review of a noise exemption application for a recurring event, if it is determined that the application does not meet the criteria for staff approval, staff will notify the applicant and the noise exemption application will go through the Council approval process. As is currently the practice, staff will prepare a recommendation report for Regional Council for the noise exemption request and will include an explanation why the request could not be granted through the staff approval process.

The process for reviewing Noise Exemption applications is set out in the flowchart in Attachment 1.

FINANCIAL IMPLICATIONS

There are no financial implications.

RISK CONSIDERATION

Risk considerations rate low as there are clear criteria stated in the recommended amendments for approving noise exemptions along with communicating the rejection or approval of a noise exemption application.

COMMUNITY ENGAGEMENT

There was no community engagement for the supplementary report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

ALTERNATIVES

Regional Council may choose the status quo and require that all noise exemption reports go to Regional Council or they may alter the recommended notification process as noted above.

ATTACHMENTS

Attachment 1 Noise By-law Exemption Process

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Tanya Phillips, Program Manager By-law Standards, 902.490.4491

Report Approved by: Penny Henneberry, Manager, Buildings & Compliance, 902.579.0250

Financial Approval by: Jane Fraser, Director of Finance, Asset Management & ICT, 902.490.6308

Report Approved by: Kelly Denty, Director, Planning and Development, 902.490.4800

ATTACHMENT 1

Noise By-law Exemptions Application Process

