



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 11.1.1
Halifax Regional Council
June 29, 2021
July 20, 2021

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: ORIGINAL SIGNED

For Lisa Blackburn, Chair, Community Planning & Economic Development
Standing Committee

DATE: May 26, 2021

SUBJECT: **Noise Management and Mitigation in Downtown Areas – Argyle Street
Entertainment District**

ORIGIN

May 20, 2021 meeting of the Community Planning & Economic Development Standing Committee, Item 12.1.1.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, R.S.N.S. 2008, c. 39, clause 188(1)(d) allows Council to make a bylaw 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;

RECOMMENDATION

It is recommended that Halifax Regional Council approve By-law N-206, amending By-law N-200, Respecting Noise, as set out in Attachment B of the March 22, 2021 report.

BACKGROUND

The Community Planning & Economic Development Standing Committee received a staff recommendation report dated March 22, 2021, at their May 20, 2021 special meeting respecting noise management and mitigation in the Argyle Street Entertainment District. For further information on the background of this item, refer to the staff report dated March 22, 2021.

DISCUSSION

The Community Planning & Economic Development Standing Committee reviewed the March 22, 2021 staff report and received a staff presentation at their May 20, 2021 special meeting. Following a discussion of the item, the Standing Committee approved the recommendation as outlined in the "Recommendation" portion of this report as outlined above. For further discussion on this item, refer to the staff report dated March 22, 2021.

FINANCIAL IMPLICATIONS

Refer to the staff report dated March 22, 2021.

RISK CONSIDERATION

Refer to the staff report dated March 22, 2021.

COMMUNITY ENGAGEMENT

Meetings of the Community Planning & Economic Development Standing Committee are open to public attendance and members of the public are invited to address the Standing Committee for up to five (5) minutes during the Public Participation portion of the meeting. Meetings are live webcast on Halifax.ca. The agenda, reports, video, and minutes of the Community Planning & Economic Development Standing Committee are posted on Halifax.ca.

For further information on Community Engagement as it relates to this item, refer to the staff report dated March 22, 2021.

ENVIRONMENTAL IMPLICATIONS

Refer to the staff report dated March 22, 2021.

ALTERNATIVES

The Standing Committee did not discuss alternatives. Refer to the staff report dated March 22, 2021.

ATTACHMENTS

Attachment 1 – Staff Recommendation Report dated March 22, 2021

If the report is released to the public, a copy can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Simon Ross-Siegel, Legislative Assistant, Office of the Municipal Clerk, 902.490.6519

P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Attachment 1
Community Planning and
Economic Development Standing
Committee
May 20, 2021

TO: Chair and Members of Community Planning and Economic Development
Standing Committee

-Original Signed-

SUBMITTED BY: _____
Kelly Denty, Executive Director, Planning & Development

-Original Signed-

Jacques Dubé, Chief Administrative Officer

DATE: March 22, 2021

SUBJECT: **Noise Management and Mitigation in Downtown Areas – Argyle Street
Entertainment District**

ORIGIN

October 20, 2015 Regional Council motion, amended on January 12, 2021 as follows:

“That Halifax Regional Council request a staff report regarding noise in downtown areas that shall include:

- a) Research on other municipalities approaches, including a jurisdictional scan and discussion with stakeholders such as the business commissions, Argyle Entertainment District, and the Restaurant Association of Nova Scotia and others;*
- b) recommendations regarding the possible establishment of an entertainment district on Argyle Street for inclusion in the Prescribed Exemptions or Local Exemptions section of the Noise By-Law (N200).”*

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, R.S.N.S. 2008, c. 39, clause 188(1)(d) allows Council to make a by-law 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,*

RECOMMENDATION ON PAGE 2

- (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;

RECOMMENDATION

It is recommended that the Community Planning and Economic Development Standing Committee recommend that Halifax Regional Council approve By-law N-206, amending By-law N-200, *Respecting Noise*, as set out in Attachment B of this report.

BACKGROUND

Entertainment districts are areas with high concentrations of entertainment venues and spaces, including cultural organizations, restaurants, drinking establishments and public and private event spaces. These uses can help attract and retain diverse and younger demographics to the municipality and provide places for residents and visitors to engage in social activities. These uses, however, can also interfere with the peaceful enjoyment of residential properties.

The following sections describe existing municipal noise regulations concerning entertainment noise, the results of a jurisdictional scan of other municipalities, and the type and number of entertainment related noise complaints. For clarity, this report does not discuss noise related to construction and does not propose any changes to the Noise By-law that would impact the construction industry, road construction, the operation of other businesses or general noise. A separate report regarding construction noise will be presented to Regional Council at a later date.

By-law N-200 Respecting Noise

The Municipality regulates noise through the Noise By-law (By-law N-200 *Respecting Noise*). The By-law regulates general noise in public spaces, including noise associated with entertainment uses such as music emanating from speakers. The By-law permits noise generating activities during the following days and times:

- 7 a.m. to 9:30 p.m. Monday to Friday;
- 8 a.m. to 7 p.m. Saturday; and
- 9 a.m. to 7 p.m. Sunday and holidays

The permitted hours align broadly with the general operation of other businesses and construction activities but are shorter on weekends and holidays when entertainment activity in downtown areas is typically higher.

The Noise By-law provides for some exemptions for religious celebrations on identified days, sports events, annual municipal festivals or municipal activities in municipal parks, municipal arenas or municipal community centres, which are permitted to make noise until one o'clock in the a.m. Council can grant additional noise exemptions to any person based on the social or commercial benefit of the proposed activity to the municipality, the views of residents, the proposed hours of operation and the proposed duration of the activity. Staff can also approve exemptions for recurring events, and for applications previously approved by Council. These exemptions, however, do not provide for ongoing longer hours where entertainment-related noise can occur. The By-law also does not directly define noise limits related to entertainment uses, nor does it establish an entertainment district or grant any regular exemptions for entertainment related noise.

It is important to note that the [Nova Scotia Liquor Licensing Regulations](#) regulate all aspects of licensed establishments, including hours during which liquor can be served which range from 2 am to 3:30 am depending on the type of license. The Noise By-law only affects noise taking place in the public right-of-way. Noise originating from within licensed establishments is subject to provincial liquor licensing regulations over which the Municipality has no jurisdiction. They are permitted to create noise so long as it is reasonably contained within the structure itself during any time their license enables operation. Noise mitigation within buildings is regulated by the Nova Scotia Building Code.

Jurisdictional Review

Attachment C summarizes a jurisdictional review of noise regulations related to entertainment and entertainment districts in eight Canadian municipalities, and four international cities. The following summarizes the key findings of this review:

- **Noise Types:** Many municipalities regulate noise associated with entertainment differently from construction noise. Construction noise is not typically measured since construction is expected to produce significant amounts of noise and is usually restricted to certain times of the day. Entertainment noise is most commonly associated with night time and can conflict with people sleeping or otherwise enjoying their residence peacefully. Entertainment noise is most often regulated by measuring noise levels. Municipalities sometimes further distinguish entertainment related noise between “amplified sound” (ex: speakers) and “unreasonable noise” or “continuous noise” (ex: shouting, loud conversation). Some municipalities also measure noise associated with certain mechanical devices such as vehicle engines, air conditioning units, and generators.
- **Quantitative measures:** Seven of the twelve municipalities set general permitted noise levels based on specific decibels and test noise levels at prescribed distances from noise sources either in public space (i.e.: on the street) or within entertainment districts. Austin, Texas also measures sound levels both inside and outside its entertainment district. Permitted noise levels are lower near residential areas. Certain jurisdictions also limit the daytime hours to earlier times near residential areas.
- **Amplified Noise:** Six of the twelve municipalities establish specific decibel levels for which noise is generally permitted specifically in conjunction with amplified sound (i.e.: speakers, public address systems, etc.).
- **Continuous Noise:** Of the municipalities that measure noise levels, Vancouver, Edmonton and Calgary measure “continuous noise” (ex: shouting) while Toronto, St. John’s, Austin and Montreal do not.
- **Enforcement:** Complaints typically trigger a noise test to determine if the permitted level of noise is being adhered to. Regular monitoring of noise levels in certain areas, such as areas with concentrations of drinking establishments, is also common. In some cities, charges can still be laid even if the noise does not exceed the noise limit set by the by-law. In general, approaches to enforcement vary from place to place.
- **Entertainment Districts:** Four of the twelve municipalities have formalized districts intended for hosting events that are expected to generate significant amounts of noise and for which certain local exemptions or special noise regulations are applied. Entertainment districts and downtown areas tend to have higher permitted noise limits compared to residential areas. All the cities with formalized entertainment districts conduct noise testing within them to enforce noise standards.
- **Daytime Hours:** Daytime means the time of day when noise is permitted. Daytime noise hours typically end at either 10 p.m. or 11 p.m., when permitted decibel levels are lowered or noise is prohibited outright. In Vancouver and St. John’s, noise is permitted until 11 p.m. within their respective entertainment districts, but 10 p.m. in all other Canadian cities reviewed. Austin permits noise in the entertainment district until 2:00 a.m., while Sydney, Australia allows it until 12 a.m. but noise from licensed establishments must not exceed background levels and cannot be audible within residences.
- **Common Issues:** Noise from outdoor patios and from drinking establishment patrons in public areas is a significant noise issue identified across the country. Establishing entertainment districts provides clarity for where and when this noise is permitted. Establishing decibel limits and

enforcement sound testing allows noise to be effectively regulated by a municipality and is typically used where the permitted hours of noise are longer.

- **Associated Tools:** Toronto has investigated entertainment noise in the most comprehensive manner of the cities surveyed and is evaluating the following additional measures to support the nighttime economy and manage associated noise in mixed-use areas:
 - requiring that purchase and sale agreements within a specific distance from music venues notify potential owners of the venue;
 - engaging the provincial government on increasing soundproofing requirements for entertainment venues through the building code;
 - media campaigns to encourage responsible consumption of alcohol and around noise in public spaces; and
 - “Good neighbour” agreements for establishing certain standards that business owners will agree to follow, such as noise mitigation, times they will close outdoor patios, when to turn down music, etc.

Noise Complaints

Between January 2018 and September 2020, the Municipality has record of two noise complaints regarding properties abutting Argyle Street. One was in relation to individuals on a construction site and is unrelated to entertainment venues. The other was in relation to the outdoor patio of a licensed establishment and the level of noise emanating from that area.

DISCUSSION

Community engagement indicates that Downtown Halifax is recognized as a central entertainment destination in the Municipality. There is interest and support from business owners and residents in establishing an entertainment district in Downtown Halifax, and possibly other areas as well. Given this feedback, staff recommend establishing an entertainment district on Argyle Street. This will allow the Municipality to test the concept, to support the local entertainment economy, and improve the quality of life of residents by improving access to social spaces. In addition, the restaurant and entertainment sector has been particularly affected by the COVID-19 pandemic and the establishment of an entertainment district could help support businesses through the recovery ahead.

While certain municipal civic events and other celebrations are exempted from the general hours prescribed in the HRM Noise By-law and other exemptions can be granted by Council or staff, these flexibilities do not extend to activities that may be associated with private licensed establishments in public spaces (e.g. patios), nor do they provide for clear and consistent recognition of the entertainment sector in downtown areas. Council or staff exemptions are limited to specific events and include approval time. While there is already an allowance for certain events to continue to 1:00 a.m. in municipal facilities, this is not the case in downtown areas. Updating the Noise By-law to recognize an entertainment district has the potential to benefit the entertainment economy, provide clarity for current and future residents of those areas, better align the municipal regulations with provincial licensing, and offer opportunities to improve noise enforcement. Finally, while other areas may benefit from an expanded entertainment district, staff advise that further research and analysis is needed before such an expansion should take place.

Argyle Street Entertainment District

Staff advise that Argyle Street is a suitable location to trial the establishment of an entertainment district with extended hours when entertainment related noise is permitted. The street hosts the highest concentration of licensed establishments in the Municipality (see Map 2). Recent public and private investments and events have solidified Argyle as one of the Municipality’s most important streets for the entertainment economy including:

- the Argyle streetscaping project, designed to enable the street to close to motor vehicles creating a pedestrian centered environment;
- increase in the size and sophistication of patios in the right-of-way;

- significant renovations to Neptune Theatre;
- the development of Halifax Convention Centre, a centre for events drawing participants from around the country and the world;
- significant renovations to the Scotiabank Centre;
- numerous civic and private events on the street, including live music;
- its connection to Grand Parade and City Hall, a traditional location for civic events; and
- its proposed designation as a Pedestrian-Oriented Commercial Street under the Centre Plan.

Public consultation indicated that residents and businesses recognize Downtown Halifax as an appropriate location for an entertainment district. As outlined in the Background section of this report, a jurisdictional scan revealed that Halifax's approach to regulating noise is less nuanced than other municipalities in Canada. In other jurisdictions, entertainment-related noise is treated differently from other noise (e.g. construction activity, nuisance), and the hours of entertainment-related permitted noise extend later into the evening, particularly within recognized entertainment districts. Enforcement is also increasingly based on decibel measuring, rather than relying on complaints. Establishing the Argyle Street entertainment district would enable the Municipality to pilot a more nuanced approach to regulating entertainment noise, while continuing to consider decibel levels and sound testing before expanding the approach to other areas. Should issues arise, the Noise By-law provisions for the Argyle Street Entertainment District could be revised or removed.

Entertainment District Noise Exemption

Staff recommend establishing an Entertainment District on Argyle Street as indicated on Map 1 and set out in Attachment B. The proposed amendments would allow entertainment related noise to take place on Argyle Street from 9 a.m. until 11:00 p.m. 7 days a week, including holidays, in addition to the current exemptions. These changes are added as a local exemption in the Noise By-law and do not conflict with other aspects of the By-law, including existing times and exemptions associated with construction. Special events within the street right-of-way would still require street closure permits, and any other required approvals.

This change would increase permitted noise times in the proposed district by 1.5 hours Monday through Friday and by 4 hours on weekends and holidays. The proposed amendments would permit noise relating to patios, music and public events but would not exempt construction, mechanical or other types of noise. This change to the time of day when noise is permitted aligns with other cities across the country. The proposed changes will enable events to take place on Argyle Street until 11 p.m. without the need for a noise exemption permit from Council and implement clear and predictable rules in this area.

Alternatively, the hours when entertainment noise is permitted on Argyle Street could be set to more closely align with the permitted hours of operation for licensed establishments under Nova Scotia Liquor Regulations, as noted in Alternative 2. As explained above, however, this would depart from the typical approach to noise regulation in other Canadian municipalities where 11 pm is a typical end time for noise in entertainment districts.

Regulatory Impact Review

Staff completed a regulatory impact assessment. Given that no new restrictions are being proposed on local businesses, a business impact assessment was not required. The proposed change to the Noise By-law would enable noise generating activities associated with entertainment to continue later into the evening on Argyle Street. Regulatory amendment is the best option to address this issue.

Conclusion

The jurisdictional scan revealed that many cities across Canada increasingly regulate entertainment related noise differently from Halifax. Regulating entertainment noise through objective decibel limits is also becoming more common, especially for amplified sound. This enables municipalities to target their noise regulation to enable noise levels and permitted times appropriate for different areas. While this approach may be explored in the future, this report recommends proceeding now with establishing a local noise exemption within the Argyle Street Entertainment District to permit entertainment related noise from 9 a.m.

until 11:00 p.m. 7 days a week, including holidays. The proposed changes would recognize the already strong entertainment nature of the area and act as a pilot project for potential further expansion to other areas.

FINANCIAL IMPLICATIONS

There are no budget implications from the recommendations in this report. The administration of the proposed amendments can be carried out within the approved 2021/22 budget with existing resources.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this report. The introduction of any new regulation or exemption carries with it the risk that it is not well understood by those it affects, including residents and business owners. To mitigate this risk staff consulted residents, business stakeholders and other staff as part of this report, and information on any changes to the Noise By-law will be shared through various municipal channels.

COMMUNITY ENGAGEMENT

Staff consulted with various stakeholders, including municipal by-law enforcement staff, Business Improvement Districts (BIDs), and business associations related to the entertainment economy and this feedback received is summarized below. The process also included an online public survey.

Stakeholder Consultation

Municipal by-law enforcement staff indicate that noise complaints in downtown areas are limited in numbers compared to other areas. These complaints often concern patrons leaving licensed establishments after closing time and are more frequently from hotel guests than from residential dwellings.

Downtown businesses indicate general support for an entertainment district allowing later hours for noise, noting that an entertainment district would strengthen the vibrancy of downtown areas. Some participants stated that most noise complaints are taking place away from licensed establishments, and therefore outside of their ability to control noise. There is a strong desire to have clear, enforceable rules that are not open to interpretation, and a belief that businesses and residents can peacefully coexist with such rules in place. Businesses indicated a desire to establish clear lines of communication with other businesses and residents who may be affected by noise. Licensed establishment stakeholders indicated that they are open to ways to mitigate noise and suggested that the Municipality should lead efforts to facilitate a dialogue among these groups.

Businesses also indicated that they believe residents moving into downtown areas should expect a certain level of noise, especially as the Municipality's population continues to grow, and indicated that the Municipality should play a role in educating residents on areas where noise regularly occurs.

BIDs outside of Downtown Halifax were also consulted on entertainment districts and indicated general support for exploring the idea. Each BID shared its own unique challenges in relation to entertainment noise which are often due to their proximity to residential areas.

Staff reached out to the hotels in the Argyle Street area but had limited success in obtaining feedback on this issue.

Online Survey

A public survey regarding entertainment noise and potential changes to the Noise By-law was open from June 11 to August 31, 2020 as part of Centre Plan Package B community engagement and received 124

submissions. The survey was not designed to be statistically representative and instead designed to seek feedback from members of the public interested in this topic. It consisted of 7 questions asking about residents' experiences with noise in downtown areas, potential changes to the Noise By-law for the creation of an entertainment district, and demographic information. A full analysis of the results is provided in Attachment D: Entertainment District Survey Analysis. In summary, the results include the following:

- 34% of respondents lived in the same building as, or within one block of a licensed establishment;
- 67% of respondents indicated that they are not at all concerned or not concerned with noise coming from restaurants, bars or entertainment areas in Downtown Halifax;
- 23% of respondents were very concerned or somewhat concerned about noise in Downtown Halifax;
- respondents indicated that the sources of noise that are most concerning include people arriving at and leaving licensed establishments and establishments located near residential areas;
- most respondents living near licensed establishments indicated that being close to work, school or amenities was their primary motivation for moving into their current residence, while proximity to a licensed establishment or the peaceful enjoyment of their residence were less important;
- 82% of respondents indicated support for establishing an entertainment district in Downtown Halifax;
- respondents ranked their preferences for other noise mitigation measures where the top three choices included (1) improved soundproofing in buildings, (2) notifying prospective buyers through purchase and sale agreements and (3) education aimed at business owners.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

ALTERNATIVES

The Community Planning and Economic Development Standing Committee may recommend that Regional Council:

1. Amend the proposed entertainment district boundary or hours when entertainment noise is permitted. A supplementary report may be required based on the extent on any amendments requested.
2. Amend the proposed hours when entertainment noise is permitted within the proposed entertainment district to 9:00 AM until 2:00 AM the following morning to more closely align with Nova Scotia Liquor Regulations for hours of operation of Licensed Establishments. This would depart from the typical approach to noise regulation in other Canadian municipalities where 11 pm is a typical end time for noise in entertainment districts.
3. Refuse to adopt By-law N-206, amending By-law N-200, *Respecting Noise*, as set out in Attachment B to this report. This would maintain the status quo with respect to noise regulations in the Argyle Street area.

ATTACHMENTS

Map 1: Proposed Entertainment District

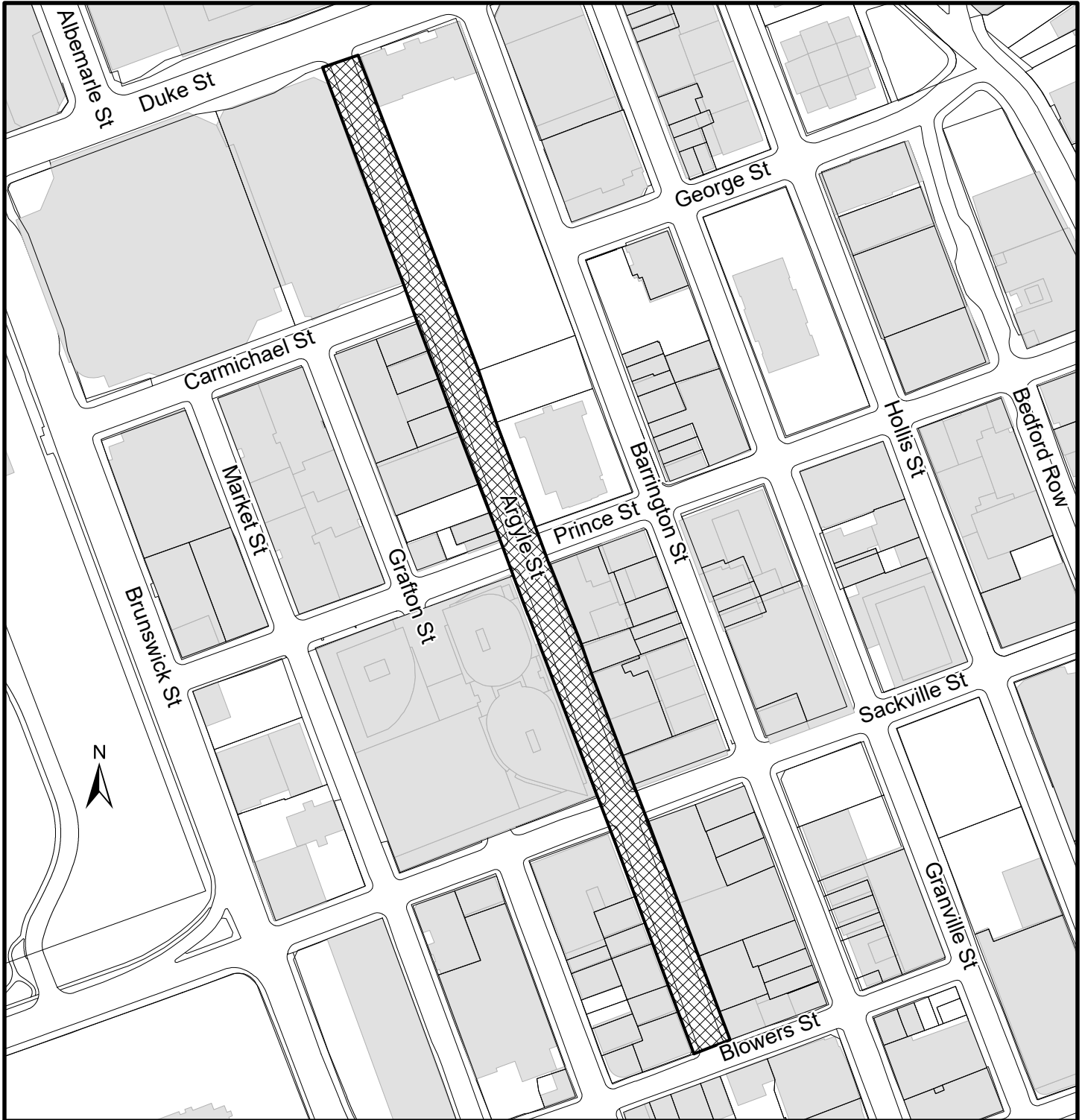
Map 2: Concentration of Licensed Establishments in the Regional Centre

Attachment A: Proposed Changes to By-law N-200 Respecting Noise
Attachment B: Amending By-law N-206
Attachment C: Jurisdictional Scan
Attachment D: Entertainment District Survey Analysis

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: Ross Grant, Planner II, Regional Planning 902.717.5524

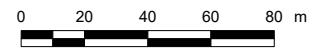
Map 1: Proposed Entertainment District



Argyle Street,
Halifax

HALIFAX

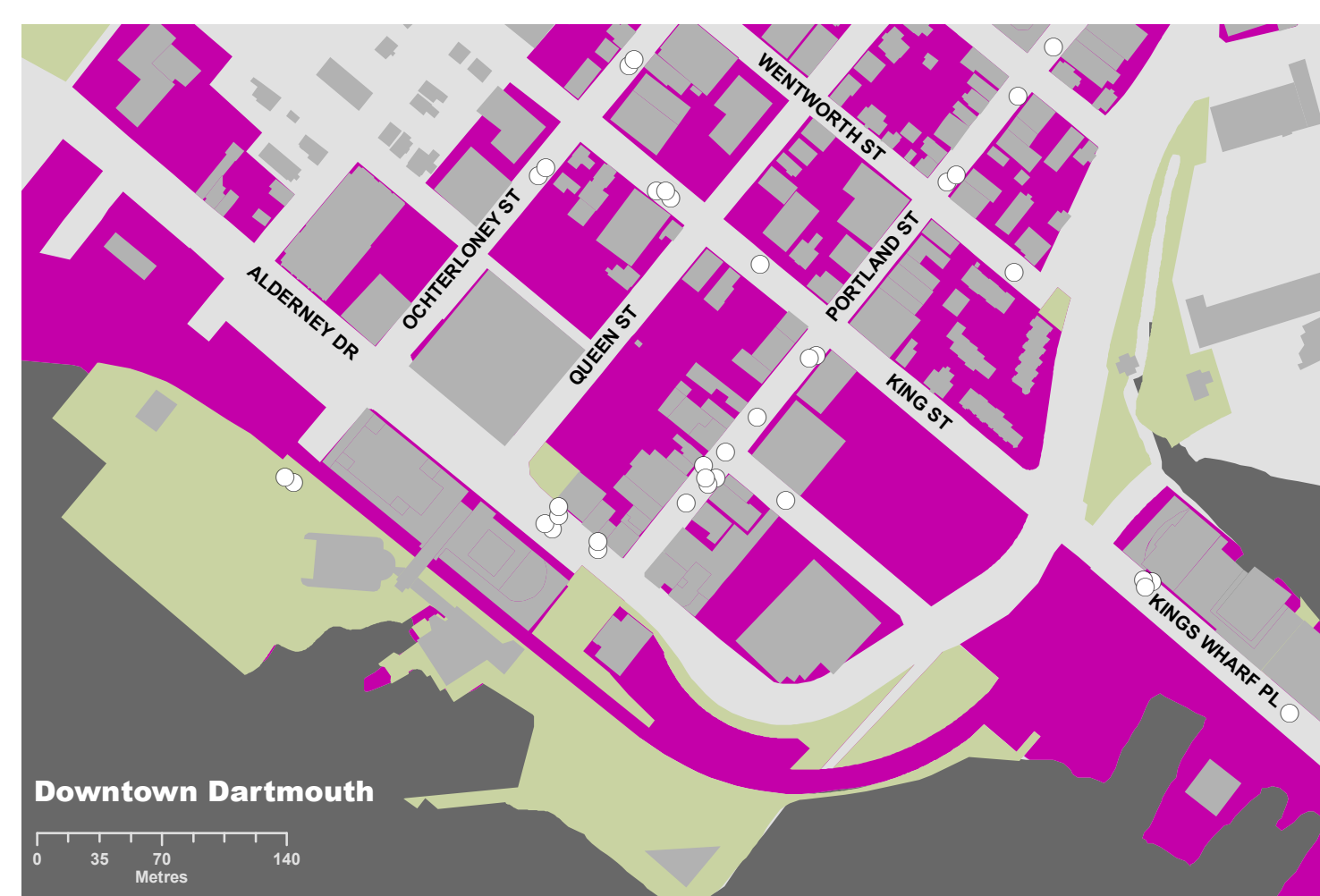
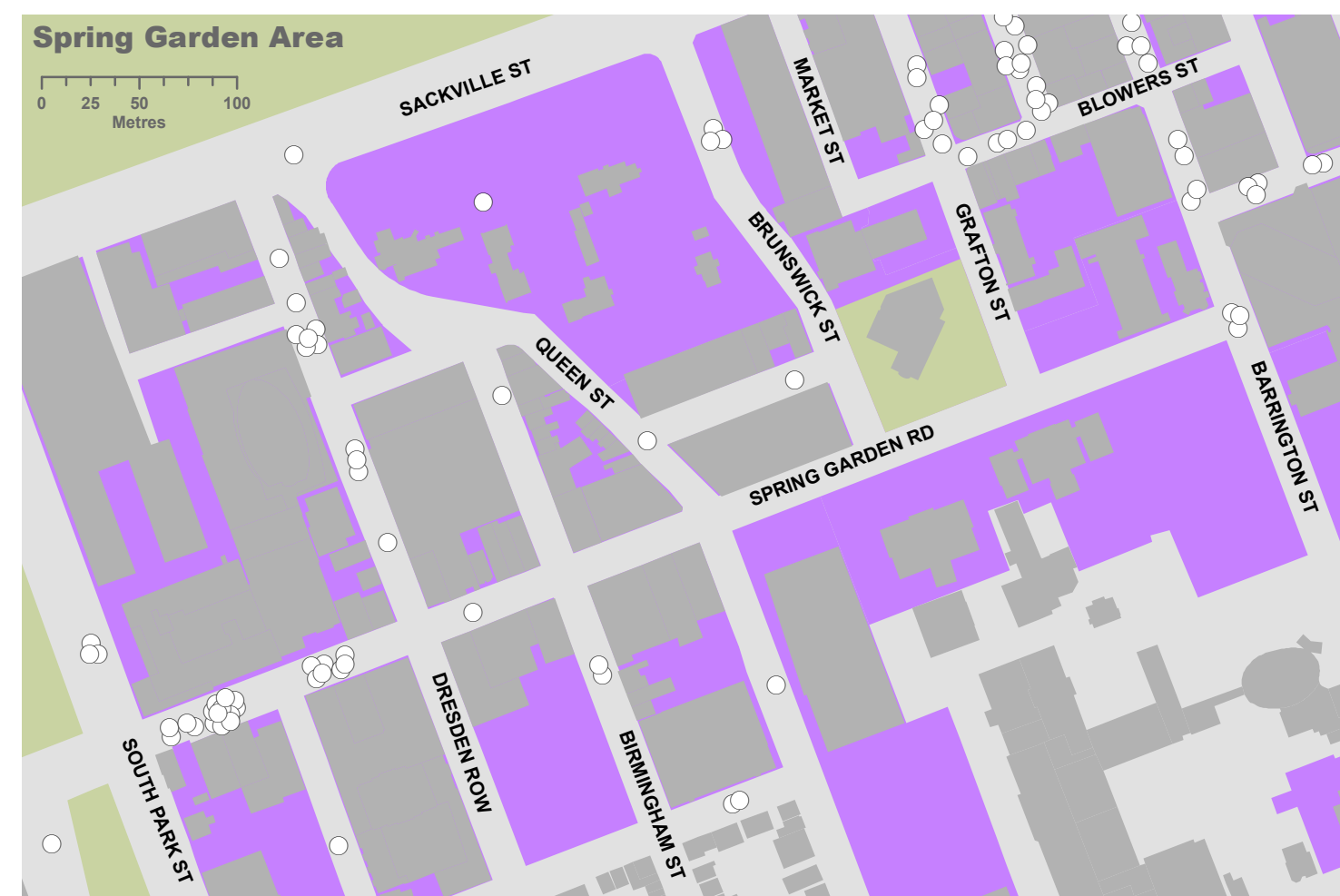
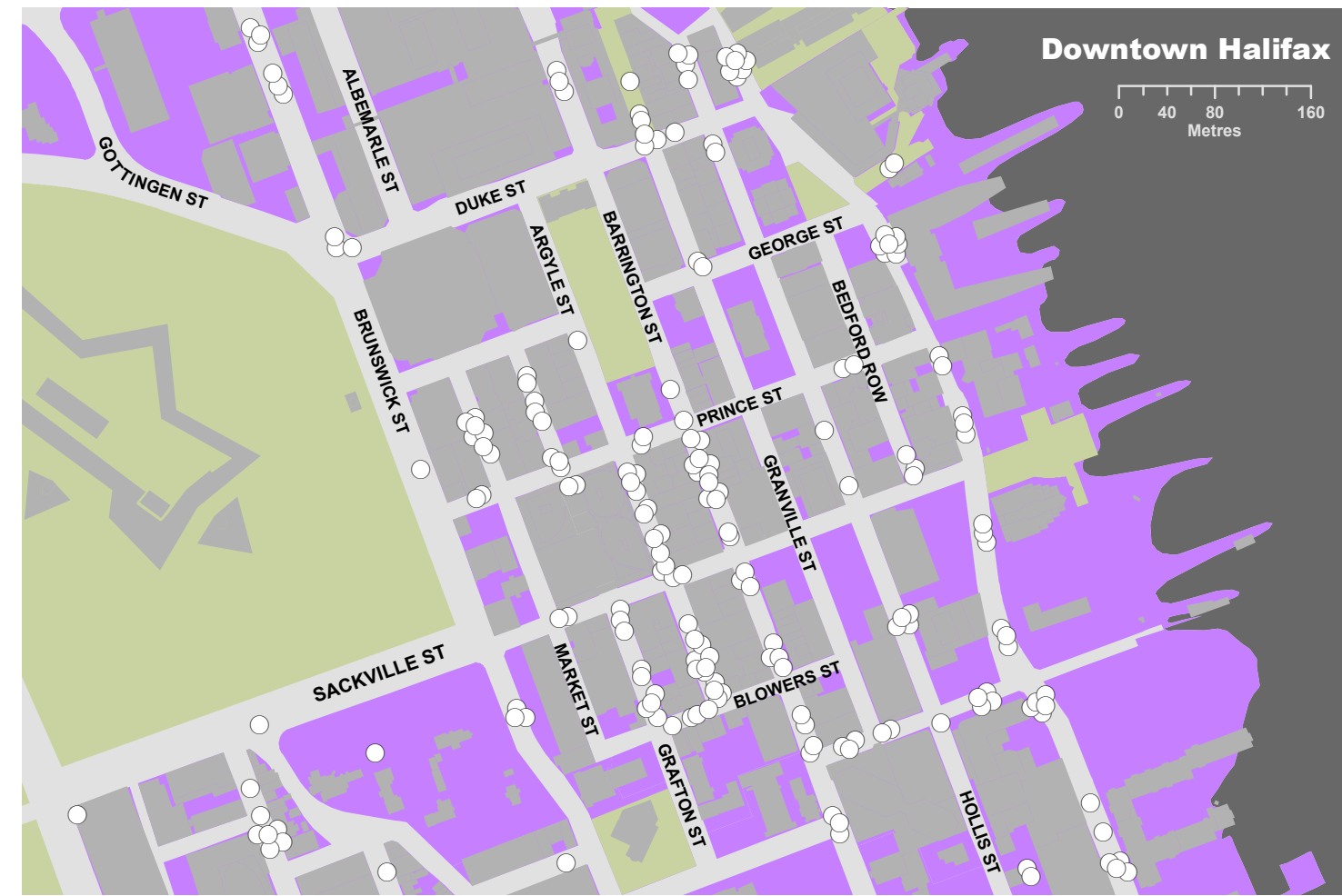
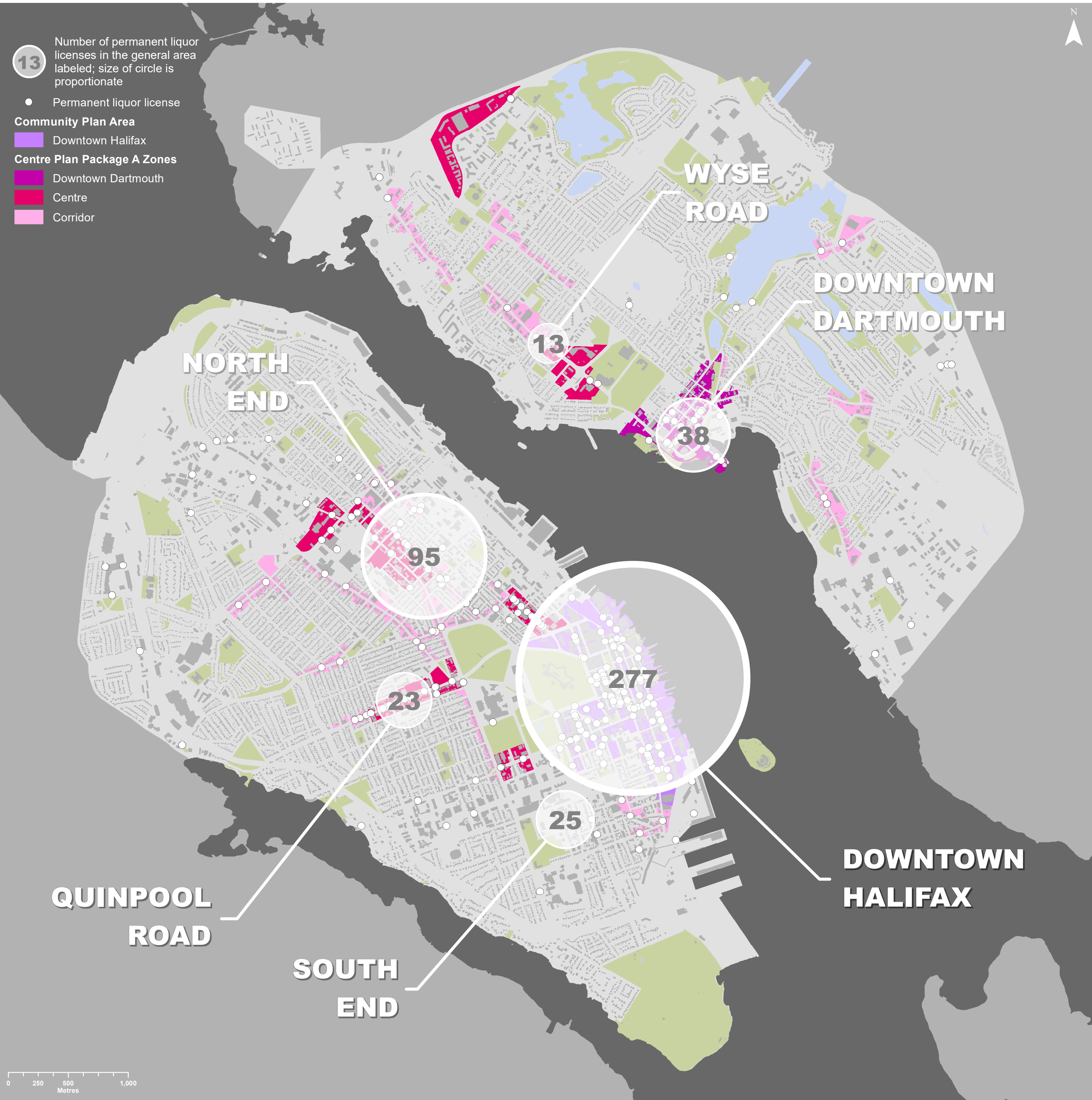
 Entertainment District



Halifax Plan Area

The accuracy of any representation on
this plan is not guaranteed.

Map 2: Regional Centre Liquor Licenses, 2020



Data Sources: Nova Scotia Open Data (Permanent Liquor Licenses); HRM Internal GIS Data (SDEADM.BLD_building_polygon; SDEADM.ADM_nova_scotia_10K; SDEADM.NAT_lake; SDEADM.LND_hrm_park; SDEADM.LND_zoning; RP_Geographies). Permanent Liquor License data current as of October 8th, 2020. T:\work\planning\SER_Group\SER_Projects\SER20095 (EP)

REVISED – June 29, 2021

HALIFAX REGIONAL MUNICIPALITY

BY-LAW NUMBER N-200

RESPECTING NOISE

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

Short Title

1. This By-law shall be known as By-law Number N-200, and may be cited as the "Noise By-law".

Interpretation

2. In this By-law,

- (a) "CAO" means the Chief Administrative Officer of the Municipality;
- (aa) "Civic Holiday" means a holiday as set out in By-law H-100, the *Civic Holiday By-law*;
- (ab) "construction" includes erection, alteration, repair, dismantling and demolition of structures and includes structural maintenance, hammering, land clearing, moving of earth, rock or felled trees, rock breaking, grading, excavating, the laying of pipe or conduit whether above or below ground level, working with concrete, alteration or installation of any equipment, the structural installation of construction components or materials in any form whatsoever, the placing or removing of any construction related materials and includes any work in connection therewith; but does not include blasting;
- (b) "Construction equipment" means any equipment or device designed and intended for use in construction or material handling including but not limited to air compressors, air tracks, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, backhoes, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders and other material handling equipment;
- (c) "Council" means the Halifax Regional Council;

- (d) "Motor vehicle" includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular, gravitational or wind power; but does not include a motorized wheelchair or a car, locomotive or other motor vehicle running only upon rails; a motorized snow vehicle; traction engine; farm tractor; self-propelled implement of husbandry; or road-building machine within the meaning of the Motor Vehicle Act;
- (da) "owner" includes as it refers to the owner of property
 - (i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,
 - (ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building,
 - (iii) a person who occupies shores, beaches or shoals, and
 - (iv) in the absence of proof to the contrary, the person assessed for the property;
- (e) "Point of reception" means any point on the premises of a person where sound, originating from other than those premises, is received;
- (f) "Property line" is an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but does not include intra-building real property divisions;
- (g) "public address system" means any system comprised of one or more of the following and in any combination: loudspeaker, amplifier, microphone, turntable, reproducer, receiver or tuner, or any other device where such equipment is part of a system used to reproduce or amplify sound;
- (h) "recreational vehicle" means any motor vehicle which is designed to be, or intended to be, used other than on a public highway or on the surface of the water and includes, without limiting the generality of the foregoing, all-terrain vehicles, trail bikes and snowmobiles but does not include a motor home or travel trailer for the purposes of this By-Law;
- (i) "residential area" means an area of the Municipality zoned only for residential uses in accordance with the Land Use By-law;

General Prohibition

3. (1) No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquillity of a neighbourhood.

(2) Without limiting the generality of subsection (1), the activities listed in Schedule “A” during the prohibited times and places as set out therein are deemed to be activities that unreasonably disturb the peace and tranquillity of a neighbourhood.

(3) For the purpose of a prosecution pursuant to subsections (1) or (2), evidence that one neighbour is unreasonably disturbed by a noise is prima facie evidence that the neighbourhood is unreasonably disturbed by the noise.

Prescribed Exemptions

4. (1) Notwithstanding any other provisions of this By-law, it shall be lawful to emit or cause or permit the emission of sound in connection with emergency measures taken

- (a) for the immediate health, safety or welfare of the inhabitants or any of them;
- (b) for the preservation or restoration of property

unless such sound is clearly of a longer duration or more disturbing than is reasonable necessary for the accomplishment of such emergency purposes.

(2) Notwithstanding any other provisions of this By-law, this By-law shall not apply to:

- (a) the days listed in Schedule “B”, the emission of sound in connection with any of the traditional, festive, religious or other activities listed therein; or
- (b) the emission of sound in connection with any of the activities listed in Schedule “C”;
- (c) employees, contractors, or agents of the Municipality, the Government of Canada, the Province of Nova Scotia, the Halifax Regional Water Commission, the Halifax-Dartmouth Bridge Commission, the Nova Scotia Power Corporation, telecommunication companies, and companies that provide natural gas or other gas intended as fuel for the public, when those employees, contractors, or agents are acting in the reasonable execution of their duties, on condition that the employee, contractor or agent give 48 hours written notice prior to commencing the work, to the owner as shown in the assessment roll of the Property Valuation Services Corporation, of properties located within 30 metres of the property on which the work is to be carried out, provided however that such notice is not required in the event of an emergency;
- (d) a person or a corporation, or an employee of such person or corporation, reasonably performing work at the request of any party enumerated in clause (c);
- (e) noises in connection with athletic or recreational activities in municipal park areas, arenas or community centres until one o'clock in the a.m.;

- (f) noises in relation to annual municipal festivals or municipal activities in municipal parks, municipal arenas or municipal community centres until one o'clock in the a.m.;
- (g) noises in relation to municipal parades, street dances or other community activities until one o'clock in the a.m.;
- (h) noises caused by motor vehicles being used for emergency purposes;
- (I) noises emitted by municipal owned machinery or equipment when used in the normal course of providing municipal services;
- (j) noises caused by motor vehicles or workmen engaged in the delivery of any type of fuel;
- (k) noises emitted by audible pedestrian signals; and
- (l) noises caused by air ambulances.

Local Exemptions

5. (1) The operation of any refrigeration unit which is attached to a refrigeration truck is exempt from the prohibitions in this By-Law if the refrigeration truck is parked directly in front of the Bedford Place Mall on the Bedford Highway side of the building, excluding parking at the sides and rear of the structure.

(2) The operation of any refrigeration unit which is attached to a refrigeration truck is also exempt from the prohibitions in this By-Law if the refrigeration truck is parked in the parking lot area which is bounded on the west by an imaginary line running along the portion of the Sobey's Warehouse Mall which forms the back walls of the Sobey's store and Wacky Wheatley's Carpet T.V. and Stereo outlet as of March, 1988, and bounded on the east by the western boundary of the Canadian National Railway right-of-way.

(3) The emission of sound in relation to parades, street dances, al fresco dining, a public address system, live music, festive or religious activities, cultural or artistic activities, general conversation, or other community activities are exempt from the provisions of this By-law beginning at 9 o'clock in the morning (9:00 a.m.) until twelve o'clock in the morning (12:00 a.m.) in the areas labeled as "Entertainment District" as shown on Schedule "D": Entertainment District.

Schedules

5A. Any Schedule attached hereto shall form part of this By-law.

Grant Of Exemptions By Council

6. (1) Notwithstanding anything contained in this By-Law, any person may make application to Council to be granted an exemption from any of the provisions of this By-Law

with respect to any emission of noise for which that person might be prosecuted; and Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect; and any exemption granted shall specify the time period, not in excess of six months, during which the exemption shall be effective and the exemption shall be in written form and shall include such terms and conditions as Council deems appropriate.

(2) In deciding whether or not to grant an exemption, Council shall give consideration to the social or commercial benefit of the proposed activity to the municipality, the views of any residents of the municipality which may be expressed to Council, the proposed hours of operation of the proposed noise-emitting activity and the proposed duration of the subject activity.

(3) In deciding whether or not to grant an exemption, Council shall give the applicant, and any person opposed to the application, an opportunity to be heard during a Council Session and may consider such other matters as it deems appropriate.

(4) Notice of the time, date and purpose of the Council Session at which the hearing is proposed to take place shall be mailed to the assessed owner or owners as shown in the records of the Regional Assessment Office, of property located within 100 feet of the property which will be the subject of the hearing;

(5) Any alleged breach by the applicant of any of the terms or conditions of any exemption granted by Council, shall be investigated by municipal staff, reported to Council in writing and Council shall determine whether or not a breach has taken place. If a breach has taken place, Council may pass a resolution revoking the exemption, without the necessity of giving notice of rescinding motion, and such exemption shall be null and void as of the passing of such resolution.

Grant of Exemptions by Staff

6A (1) Subject to section 6,

(i) where a person makes an application for an exemption from the provisions of this By-law for a reoccurring event, and

(ii) a previous application for an exemption from the provisions of this By-law for the event was approved by Council,

the exemption may be granted by the CAO.

(2) An exemption may be granted by the CAO where:

(a) the date, time, location and duration are consistent with the previous application;

(b) the applicant states the social, economic and community benefit in their application; and

(c) all other information contained in the application is substantively the same as the application approved by Council.

(3) The CAO may delegate the authority under subsections (1) and (2) to the staff that oversees the noise exemption application process.

Severability:

7. If a court of competent jurisdiction should declare any section or part of a section of this By-Law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-Law and it is hereby declared that the remainder of the By-Law shall be valid and shall remain in force.

Offence and Penalty

8. Any person who violates any of the provisions of this By-law shall be guilty of an offence and shall, on summary conviction, be liable

1. for the first offence to a penalty of not less than Three Hundred Dollars (\$300.00) and of not more than ten thousand dollars (\$10,000.00) or imprisonment for a period of not more than one year or both, including the imposition of the minimum fine;
2. for the second offence to a penalty of not less than Seven Hundred Dollars (\$700.00) and of not more than ten thousand dollars (\$10,000.00) or imprisonment for a period of not more than one year or both, including the imposition of a minimum fine;
3. for the third offence or any subsequent offence to a penalty of not less than One Thousand Dollars (\$1,000.00) and of not more than ten thousand dollars (\$10,000.00) or imprisonment for a period of not more than one year or both, including the imposition of a minimum fine.

Repeal of By-laws, Regulations and Ordinances

9. Sections 3 and 10 of the County of Halifax By-law Number 8, Respecting Mischiefs and Nuisances, Town of Bedford By-law 22106, Respecting the Prohibition and Regulation of Certain Noises in the Town of Bedford, By-law Number N-200 of the City of Dartmouth, the Control of Noise By-law and Ordinance Number 113 of the City of Halifax, the Noise Ordinance and any amendments thereto are hereby repealed.

Done and passed in Council this 14th day of September, A.D., 1999.

Mayor

Municipal Clerk

I, Vi Carmichael, Clerk of the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on September 14, 1999.

Vi Carmichael, Municipal Clerk

Schedule “A”

Part 1

Activities that unreasonably disturb the peace and tranquillity of a neighbourhood throughout the whole Municipality, and at all times, where the sound resulting therefrom is audible at a point of reception.

1. The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation;
2. The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to an improperly secured load or equipment or inadequate maintenance;
3. The operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.

Part 2

Activities that unreasonably disturb the peace and tranquillity of a residential area, at the specified times, where the sound resulting therefrom is audible at a point of reception.

- | | | |
|----|--|--------------|
| 1. | The detonation of fireworks or explosive devices not used in construction or quarrying; | At All Times |
| 2. | The discharge of firearms except when used as a signalling device in a sporting competition; | At All Times |
| 3. | The operation of a combustion engine which
(I) is, or
(ii) is used in, or
(iii) is intended for use in,
a toy or a model or replica of any device, which model or replica has no function other than amusement or which is not a conveyance; | At All Times |
| 4. | The operation of a recreational vehicle within 30 meters of a residence except for reason of operation for the purpose of parking or storage on one's own property; | At All Times |
| 5. | Persistent barking, calling, whining or the making of any similar persistent noise-making by any animal; | At All Times |
| 6. | The operation of any refrigeration unit which is attached to a refrigeration trailer unless the refrigeration trailer is in motion; | B |
| 7. | The operation of a garborator, solid waste bulk lift, refuse compacting equipment or hydraulic dumpster associated with a commercial enterprise; | B |
| 8. | The operation in the outdoors of any power tool for domestic purposes other than snow removal; | A |

- | | | |
|-----|--|---|
| 9. | Yelling, shouting, hooting, whistling or singing; | A |
| 10. | The operation of a commercial car wash; | C |
| 11. | All selling or advertising by shouting or outcry or amplified sound; | B |
| 12. | The use or operation of any commercial snow removal, sanding, or salting equipment at the Bedford Place Mall rear parking lot which abuts Union Street, except for the purpose of keeping emergency lanes clear. | A |
| 13. | The operation of Sea-doods and Ski-doods within 30 meters of a residence except for the purpose of parking or storage on one's own property. | A |
| 14. | The maintenance or other repair of commercial vehicles outdoors, or in a building which is not fully enclosed in such a way as to prevent the escape of noise, if said operation is within 76 metres of a residential property, excepting the maintenance and repair of vehicles used in agricultural, fishing, forestry or mining operations on property devoted to those uses. | C |

Part 3

Activities originating from within a residential area that unreasonably disturb the peace and tranquillity of a resident, at the specified times, where the sound resulting therefrom is audible at a point of reception.

- | | | |
|----|--|--------------|
| 1. | The operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment | At All Times |
|----|--|--------------|

for a continuous period exceeding five minutes, while such vehicle is stationary in a residential area unless:

- (a) the original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the motor vehicle in which case such recommended period shall not be exceeded;
- (b) operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to, operation of ready-mixed concrete trucks, lift platforms and refuse compactors;
- (c) weather conditions justify the use of heating or refrigerating systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo, and where the vehicle is stationary for purposes of delivery or loading;
- (d) prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine;
- (e) the idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of antifreeze, cleaning of the fuel system, carburetor or the like, when such work is performed other than for profit.

2. The operation of any item of construction equipment in a residential area without effective muffling devices in good working order and in constant operation;

At All Times

3. The loading or unloading of any containers, products, materials or refuse with the exception of private household effects;

A

4. The use or operation of any commercial vacuuming equipment such as rug cleaning equipment; A

5. The operation of any public address system, television set, disc player, tape deck, phonograph, or radio in a manner such that the sound from the equipment being operated is audible beyond the bounds of the property from which the noise is emitted; A

6. The operation of any motorized conveyance other than on a street or other place intended for its operation; A

7. The operation of any item of snow or ice making equipment; A

8. The use or operation of construction equipment, except where such equipment is used or operated on any highways; A

9. The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler pressure vessel, pipe, valve, machine, device or system; B

10. The operation of a power assisted hang glider or parafoil; A

11. Construction and the operation of any equipment in connection with construction; A

12. The operation of any powered rail car including by A

not limited to refrigeration cars, locomotives or self-propelled passenger cars, while stationery on property not owned or controlled by a railway governed by the Canada Railway Act.

PROHIBITED TIMES:

- A - On a Monday, Tuesday, Wednesday, Thursday, or Friday until seven o'clock in the a.m. (7:00 a.m.) and after nine thirty o'clock in the afternoon (9:30 p.m.). On a Saturday until eight o'clock in the a.m. (8:00 a.m.) and after seven o'clock in the afternoon (7:00 p.m.). On a Sunday, Statutory Holiday, Civic Holiday, or Remembrance Day until nine o'clock in the a.m. (9:00 a.m.) and after seven o'clock in the afternoon (7:00 p.m.).
- B - On a Monday, Tuesday, Wednesday, Thursday, or Friday until seven o'clock in the a.m. (7:00 a.m.) and after nine thirty o'clock in the afternoon (9:30 p.m.). On a Saturday until eight o'clock in the a.m. (8:00 a.m.) and after seven o'clock in the afternoon (7:00 p.m.). On a Sunday, Statutory Holiday, Civic Holiday, or Remembrance Day at all times during any such day.
- C - eleven o'clock in the afternoon (11:00 p.m.) to seven o'clock (7:00 am) in the a.m. of the following day.
- D - All Day Sunday, Statutory and Civic Holidays and Remembrance Day.

NOTE: Any time specified in this Section shall mean Standard Time for the municipality or Daylight Savings Time during the period of time for which the same is declared to be in force in the municipality.

Schedule "B"

Canada Day

Natal Day

New Year's Eve

Recognized Religious Holidays

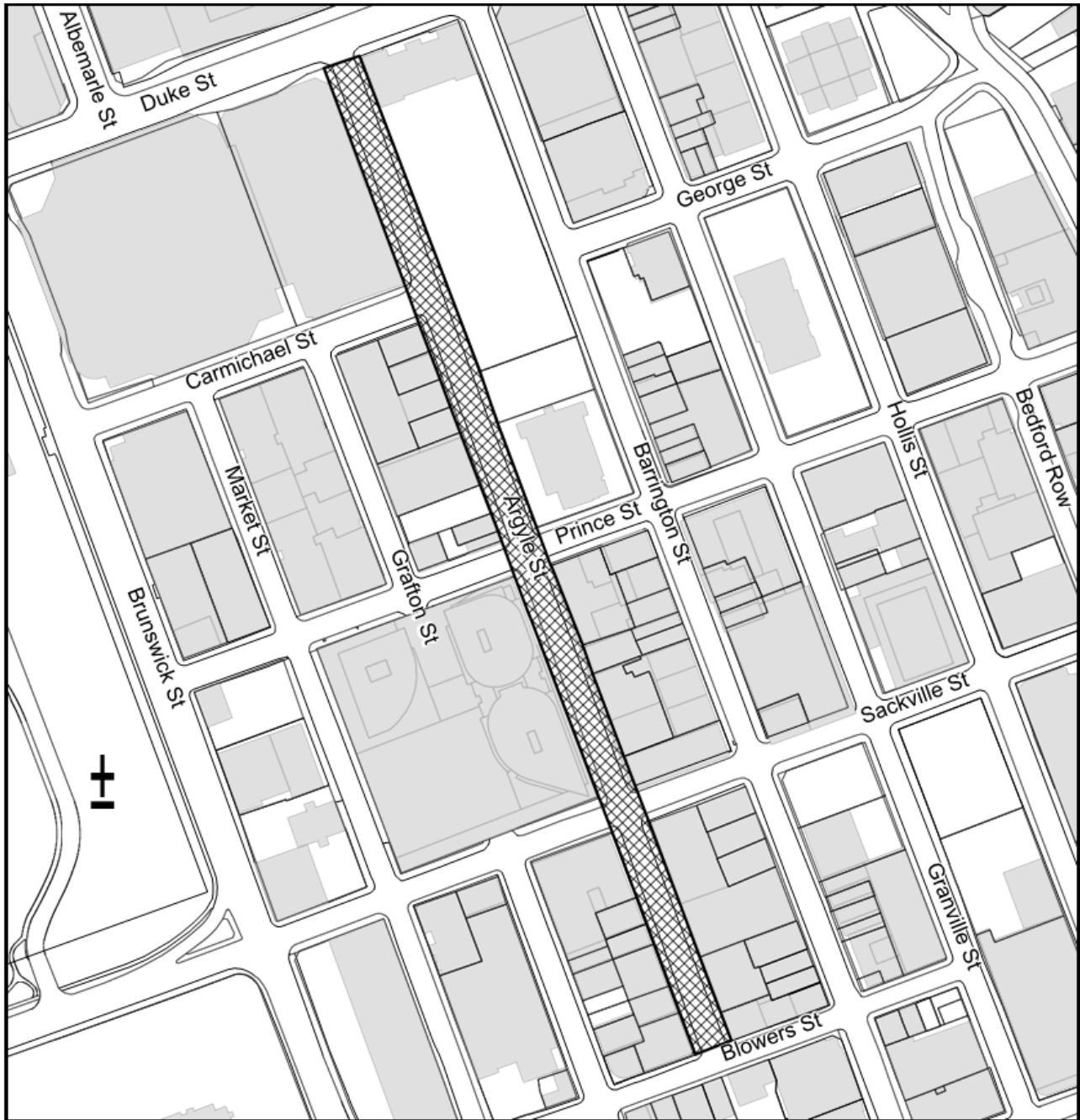
Schedule "C"

Ringling of Bells at Places of Worship

Calls to Worship

Activities at Pits, Quarries or Mining Operations for which a permit has been issued by the Department of Environment which expressly regulates sound levels.

Schedule "D": Entertainment District



Argyle Street,
Halifax

HALIFAX



Entertainment District



Halifax Plan Area

The accuracy of any representation on
this plan is not guaranteed.

BY-LAW N-200

Notice of Motion:	June 22, 1999
First Reading:	July 6, 1999
ANotice of Intent@ Publication:	July 31, 1999
Second Reading:	September 14, 1999
Approval of Minister of Housing and Municipal Affairs	N/A
Effective Date:	September 18, 1999

No. 1 - Amended by N-201

Clause (c) of subsection (2) of Section 4 of By-Law N-200 is repealed and replaced.

Notice of Motion:	March 27, 2001
First Reading:	April 3, 2001
ANotice of Intent@ Publication:	April 7, 2001
Second Reading:	April 24, 2001
Approval of Minister of Housing and Municipal Affairs	N/A
Effective Date:	April 28, 2001

No. 2 - Amended by V-101

Amending Section 8

Notice of Motion:	August 19, 2003
First Reading:	August 26, 2003
ANotice of Public Hearing@ Publication:	September 6, 2003
Second Reading:	September 23, 2003
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	September 27, 2003

No. 3 - Amended by N-203

Repeal of Section 8 and 9 and replace

Notice of Motion: May 3, 2005	
First Reading:	May 10, 2005
Notice of Public Hearing - Publication:	June 11, 2005
Second Reading@	June 28, 2005
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	July 2, 2005

No. 4 - Amended by N-204

Amendment to Part 2 of Schedule A

Notice of Motion:	May 17, 2005
First Reading:	May 24, 2005

Notice of Public Hearing - Publication:	June 11, 2005
Second Reading:	June 28, 2005
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	July 9, 2005

No. 5 - Amended by N-205

Notice of Motion:	December 4, 2018
First Reading:	December 11, 2018
Notice of Public Hearing - Publication:	February 9, 2019
Second Reading:	February 26, 2019
Approval of Municipal Affairs:	N/A
Effective Date:	March 2, 2019

REVISED – June 29, 2021

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW N-206
RESPECTING NOISE**

BE IT RESOLVED by the Council of the Halifax Regional Municipality that By-law N-200, the *Noise By-law*, is further amended as follows:

1. amend section 5 by adding the following subsection after subsection (2) and immediately before the section 6 header “Grant of Exemptions By Council”:

(3) The emission of sound in relation to parades, street dances, al fresco dining, a public address system, live music, festive or religious activities, cultural or artistic activities, general conversation, or other community activities are exempt from the provisions of this By-law beginning at 9 o'clock in the morning (9:00 a.m.) until twelve o'clock in the morning (12:00 a.m.) in the areas labeled as “Entertainment District” as shown on Schedule D: Entertainment District.

2. adding the following section header and section after the newly added subsection 5(3) and immediately before the section 6 header “Grant of Exemptions By Council”:

Schedules

5A. Any Schedule attached hereto shall form part of this By-law.

3. adding Schedule “D”: Entertainment District, as attached, on the page immediately after Schedule “C”.

Done and passed by Council this day of , 2021.

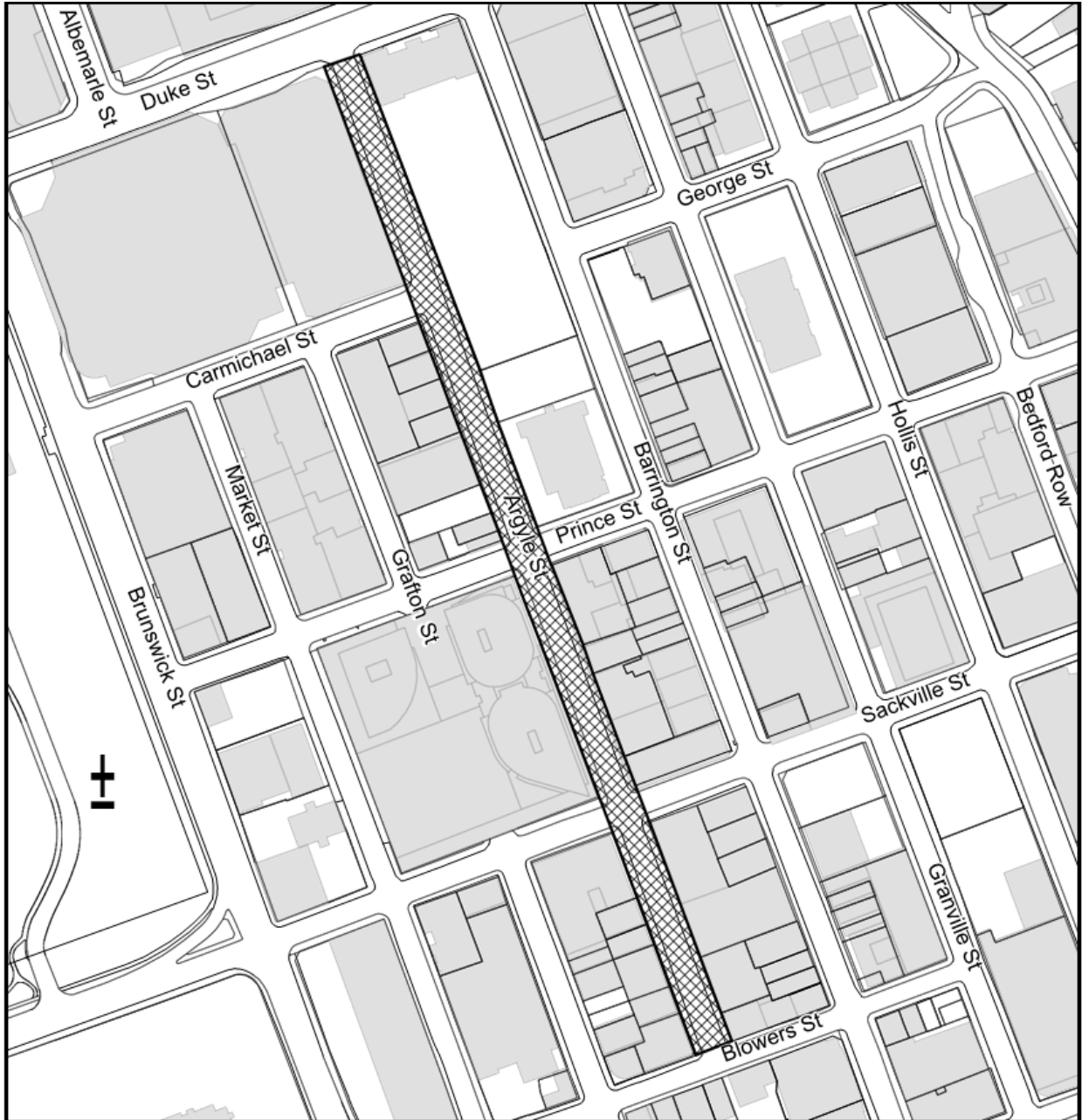
Mayor

Municipal Clerk

I, Iain MacLean, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted By-law was passed at a meeting of the Halifax Regional Council held on , 2021.

Iain MacLean, Municipal Clerk

Schedule "D": Entertainment District



Argyle Street,
Halifax

HALIFAX

 Entertainment District



Halifax Plan Area

The accuracy of any representation on
this plan is not guaranteed.

Attachment C: Jurisdictional Scan: Municipal Entertainment Districts and Noise By-laws

Table 1: Entertainment District and Entertainment Noise Jurisdictional Scan

Municipality	Weekday Hours ¹	Saturday Hours	Sunday Hours	Holiday Hours	Entertainment Districts or Exemptions	Enforcement Mechanisms, Compliance Tools and Quality of Life Improvements	Notes
HRM	7am to 9:30pm	8am to 7pm	9am to 7pm	9am to 7pm	-No formalized entertainment district -Certain public holidays and recognized religious holidays -Council can grant exemptions, and staff can grant for recurring similar events -Municipal facilities exempted for municipal events, sports facilities exempt- until 1:00am	-Complaint driven	-Province is responsible for regulation of licensed establishments which must reasonably contain noise within the establishment. Noise within a licensed establishment is outside of HRM's jurisdiction. Noise within a public street or other space is within the municipality's jurisdiction.
Saint John's, Newfoundland	See Notes	See Notes	See Notes	See Notes	-"George Street International District" functions as an entertainment district, and is managed by a non-profit tourism association. -Council can grant exceptions -"Special Events" are exempt from the noise by-law's general provisions. -Special events may continue to 11pm and noise may reach 100 dB, 100 feet from the source	-Complaint driven -Special events have dB ² limits and monitoring	-No specific times of the day for when general noise is permitted, only specific references to loading, mechanical and construction noise as being not permitted. In other words, outside of special events, there is no established time of day when noise is not permitted, or any "daytime" hours. -"Special Events" are defined and governed in the city's special events policy manual, not the noise by-law. The list includes the "George Street Festival"; generally speaking the definition is for events which require a significant amount of planning and other government approvals (such as liquor licenses or street closures) before proceeding. There are currently 6 events defined as "special events"; making this entertainment district less of an ongoing one relative to the others.
Gatineau	7am to 11pm	7am to 11pm	7am to 11pm	7am to 11pm	-No formalized entertainment district	-Complaint driven	-Drinking establishment closure times in Quebec are mandated by municipalities. In Gatineau-Hull establishments close as late as 3am. -mechanical noise is tested for dB levels after 9pm, but this does not apply to general public noise.

¹ All hours indicated refer to hours of the day for which noise is generally permitted and when tickets or other enforcement methods would not usually be in effect, within bounds as defined by each respective by-law.

² Most measurements here refer to dB(C) weighting. dB(A) weighting is generally understood to measure a wavelength similar to what the human ear can perceive. dB(C) weighting is more accurate for measuring peak sound levels, and is commonly used in entertainment applications due to the frequent presence of high amounts of bass which could obscure the accuracy of a dB(A) test. By-laws researched use both dB(A) and dB(C) weighting. Saint John's does not specify which weighting is to be used. See Table 2 for specific indications.

Municipality	Weekday Hours ¹	Saturday Hours	Sunday Hours	Holiday Hours	Entertainment Districts or Exemptions	Enforcement Mechanisms, Compliance Tools and Quality of Life Improvements	Notes
Montreal	See Notes	See Notes	See Notes	See Notes	-“Quartier des spectacles” festival and entertainment district -Within the entertainment district noise can be made in association with a planned event so long as it does not exceed 80 dB(c) ³ . -Although not specific to noise, each event must have a permit	-Regular Db testing and enforcement within the district	-The maximum level of decibels allowed in public space is 80 dB(c) calculated at 35 metres from the sound source. -Times when noise is permitted depends on each borough of Montreal. - Outside of the entertainment district there is no defined Db level of noise.
Toronto	7am to 11pm	7am to 11pm	7am to 11pm	7am to 11pm	-No formalized entertainment district -Noise from outdoor living areas like patios is permitted between 7am and 11pm, so long as the noise does not exceed 70dB from the point of measurement -11pm-7am the limit is lowered to 50dB. -Permits for an exemption are available from city staff -Sound test is conducted “at the point of complaint” (ex: at the residence which called in the complaint)	-dB testing at request of residents -good neighbor agreements -notices on purchase agreements within specific distance from licensed establishments -complaints can still be made -media campaign to reduce binge drinking -work with the province to increase soundproofing standards for late-night establishments	-Generally moving to quantitative sound measuring to ensure compliance, rather than complaint driven -Due to Toronto’s mixed-use nature the municipality opted not to have an entertainment district because entertainment venues are distributed around the city. -Currently in the initial stages of implementation on some measures and has not collected much data on success due to COVID-19 pandemic.
Winnipeg	See Notes	See Notes	See Notes	See Notes	-No formalized entertainment district -Permits for exemptions are available from staff -Christmas music played from speakers is exempt during the month of December	-Complaint driven	- No specific times of the day for when general noise is permitted -dB measuring in place for certain mechanical activities, unrelated to entertainment
Edmonton	7am to 10pm	7am to 10pm	7am to 10pm	7am to 10pm	-No formalized entertainment district -Permits 75 dBs in non-residential areas, measured at the property line, until 10pm -Lower dB limits in residential areas -City manager may issue a permit to exempt.	-Complain driven, some regular testing in non-residential areas	

³ According to [this source](#), 60 dB is equivalent to conversation in restaurant, office noise, or background music. 60dB is half as much noise as 70Db and is considered “fairly quiet”. 70dB is equivalent to a typical vacuum cleaner (70 dB). The upper 70s of dBs are “annoyingly loud to some people”. 80 dB is equivalent to a garbage disposal, or a moving freight train at 15 metres. 80 dB is twice as loud as 70 dB; damage to the ears is possible with prolonged exposure. A typical rock concert is 100-120 dB; damage to the ears is likely with only short exposure.

Municipality	Weekday Hours ¹	Saturday Hours	Sunday Hours	Holiday Hours	Entertainment Districts or Exemptions	Enforcement Mechanisms, Compliance Tools and Quality of Life Improvements	Notes
Calgary	7am to 10pm	7am to 10pm	9am to 10pm	9am to 10pm	-No formalized entertainment district -Permitted decibel levels in downtown higher than in other areas during night-time (60 decibels in downtown vs. 50 db in residential developments) -Calgary Stampede is exempt -Noise exemption permit granted by the Chief By-law Enforcement Officer	-Prescribed decibel limits within downtown and within residential and commercial developments -regular testing in downtown areas in addition to testing with associated complaint calls	-Calgary Stampede and associated events are exempt, but music from speakers not associated with the event are limited in dB and time of day when they can be played. -The by-law allows noise infractions to still be charged even if the set noise limit is not exceeded
Vancouver	7:00am to 10pm	7:00am to 10pm	10:00am to 10pm	10:00am to 10pm	-“Event zone” around major sporting venues has a limit of 70 dB until 11pm every day -Exemptions for events and festivals granted by Council -Noise on streets not in a “quiet area” is considered to emanate from an “activity zone” and is permitted up to 70 dBs during the daytime (ex: in downtown, on commercial streets, etc.) -After 10pm the noise level in an “activity zone” (i.e.: the street) drops to 65 dB	-Complaint driven, regular testing in “downtown”, “activity”, and “event zones”. -“Continuous noise” (ex: shouting and loud conversation) is measured.	-Vancouver also regulates noise within drinking establishments. They are permitted up to 80 dB as measured from the outside wall of the premises until 1:00am as long as it is located within an “intermediate”, “activity” or “event” zone.
Austin, Texas, United States	10:00am to 10:30pm / 10:00am to 8:00pm ⁴	10:00am to 12:00am (also for Friday) / 10:00am to 10:00pm	10:00am to 10:30pm / 10:00am to 8:00pm	n/a	-Austin Texas has multiple entertainment districts and areas with noise exemptions -The most prominent of these is the 6 th Street District. It permits noise up to 85 dB until 2:00am every day.	-Complaint driven -Sound testing in all areas -Testing occurs at the source	-Austin has more restricted permitted sound times of any jurisdiction researched, outside of the entertainment district. -Distinction between restaurants and other businesses (permitted @ 70 dB) and amplified sound (permitted @ 85 dB). -It has similar permitted sound levels as Toronto (70 dB) for general business uses, and as Montreal (80 dB) in its entertainment district.
New York, New York, United States	7:00am to 10:00pm	7:00am to 10:00pm	7:00am to 10:00pm	7:00am to 10:00pm	-No known entertainment districts with noise exemptions	-Complaint driven -Sound testing within residences	-Sound cannot exceed 45 dB as measured within any residence, where the sound originates from a commercial music source (commercial establishment emanating noise) and ; -7 decibels over the ambient sound level, as measured on a street or public right-of-way 15 feet or more from the source -Businesses can apply for variances to the sound requirements if they meet several conditions, including sound abatement in construction

⁴ Outside an entertainment district within 600 feet (183 metres) of any residential zone or use.

Municipality	Weekday Hours ¹	Saturday Hours	Sunday Hours	Holiday Hours	Entertainment Districts or Exemptions	Enforcement Mechanisms, Compliance Tools and Quality of Life Improvements	Notes
Berlin, Berlin, Germany	6:00am to 10:00pm	6:00am to 10:00pm	6:00am to 10:00pm	6:00am to 10:00pm	-No known entertainment districts with noise exemptions	-Complaint driven	-Sound testing not typical -Local governments can grant exemptions for special events -strong local culture of quiet in the evenings
Sydney, New South Wales, Australia	7:00am to 12:00am	7:00am to 12:00am	7:00am to 12:00am	n/a	-No known entertainment districts with noise exemptions	-Complaint driven -Sound testing within residences	-noise from a licensed venue as measured at the edge of a residential property shouldn't exceed the background noise level by 5 (dB). -From midnight to 7am, noise from a licensed venue as measured at the edge of a residential property should not exceed the background noise level. Additionally, noise should not be audible within any habitable room of the residential premises.

Table 2: Summary of end daytimes when noise is permitted, and use of dB levels

Municipality	Daytime end when noise is permitted	dB Level on Public Streets	dB Level in Entertainment District	dB Level at Private Residence
HRM	9:30pm weekday, 7pm weekends/holidays	n/a	n/a	n/a
Saint John's, Newfoundland	11pm within entertainment district for special events only	n/a	100 dB (weighting not specified)	n/a
Gatineau	11pm	n/a	n/a	n/a
Montreal	Borough dependent. Usually 10pm or 11pm	n/a	80 dB (c)	n/a
Toronto	11pm	70 dB(c)	n/a	n/a
Winnipeg	n/a	n/a	n/a	n/a
Edmonton	10pm	75 dB (a)	n/a	n/a
Calgary	10pm	60 dB(c)	n/a	n/a
Vancouver	10pm, 11pm in "event zone"	70 dB(c)	70 dB (c)	n/a
Austin, TX, USA	10:30pm weekdays, 12:00am weekends, 2:00am in entertainment district, 8:00pm within 600 feet of residential building	70 dB	85 dB	n/a

New York, NY, USA	10:00pm	7 dB above established background noise at the source	n/a	45 dB
Berlin, BER, Germany	10:00pm	n/a	n/a	n/a
Sydney, NSW, Australia	12:00am	n/a	n/a	5 dB above background noise level

Attachment D: Entertainment District Survey Results

Overview

From June 11 to August 31, 2020, the public was asked to participate in a series of online surveys related to Centre Plan Package B. One of these surveys asked residents for their thoughts on changes to the N-200 Noise By-law that would support “Entertainment Districts” - areas with a high concentration of licensed establishments that have different controls around noise than residential areas. Council has asked for a recommendation on establishing an entertainment district in downtown Halifax under the Noise By-law (N-200). However, given the growing number of licensed establishments in other areas of the Regional Centre (e.g., downtown Dartmouth, the North End, Quinpool Road), the survey asked residents for their opinion on Entertainment Districts in other parts of the Regional Centre.

The Entertainment District survey received 124 submissions. In total 184 people visited the page. It consisted of seven questions asking about residents’ proximity to licensed establishments, level of concern about noise from those establishments, support for an Entertainment District, and measures that might help mitigate noise. Most questions had check boxes with pre-set answers that respondents chose, but there were also two open-ended questions with opportunities for comments.

In addition to the survey, staff also consulted with a number of stakeholders in February and March, including Municipal By-law Enforcement, the Business Improvement Districts for Downtown Dartmouth, Spring Garden Road, Quinpool Road and Downtown Halifax, the Restaurant Association of Nova Scotia, and a number of businesses based in downtown Halifax.

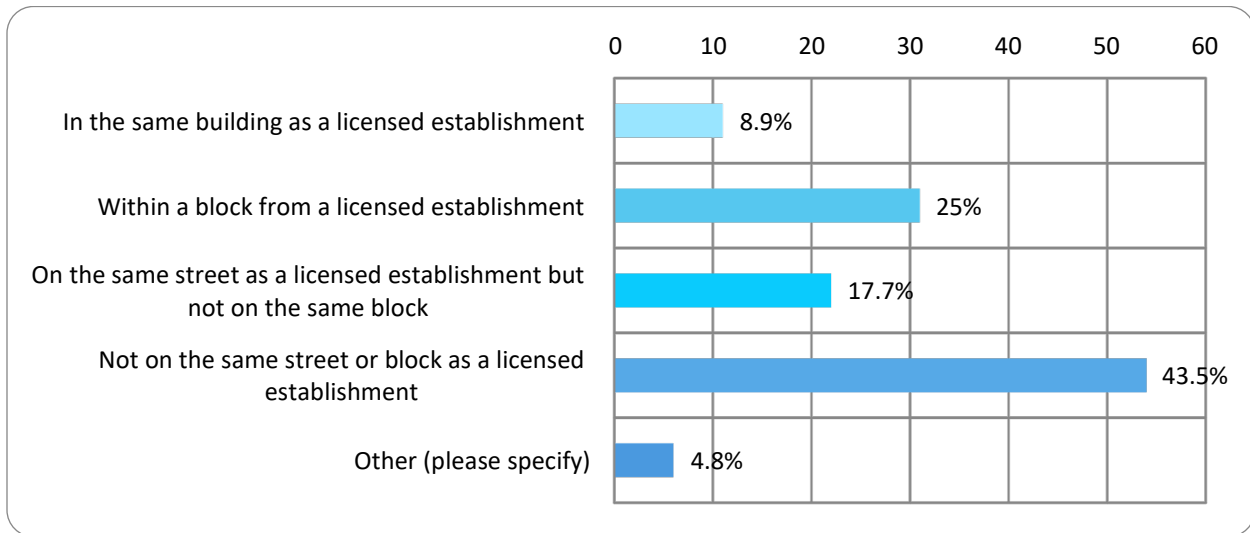
The Noise By-law (N-200) allows all noise-generating activities, in all areas of the municipality, during the following times:

- Monday through Friday - 7:00 a.m. to 9:30 p.m
- Saturdays - 8:00 a.m. to 7:00 p.m.
- Sundays and statutory holidays - 9:00 a.m. to 7:00 p.m.

It is important to note that Nova Scotia Alcohol and Gaming issues liquor licenses and sets hours that establishments may operate. The liquor license applies to noise from inside the building, and HRM’s Noise By-law applies to the noise outside. If a bar has taken reasonable efforts to contain noise inside (e.g., closing windows, turning down bass), it would be considered a permitted use under the provincial license. Any changes to HRM’s Noise By-law hours would not impact hours set by the provincial liquor license.

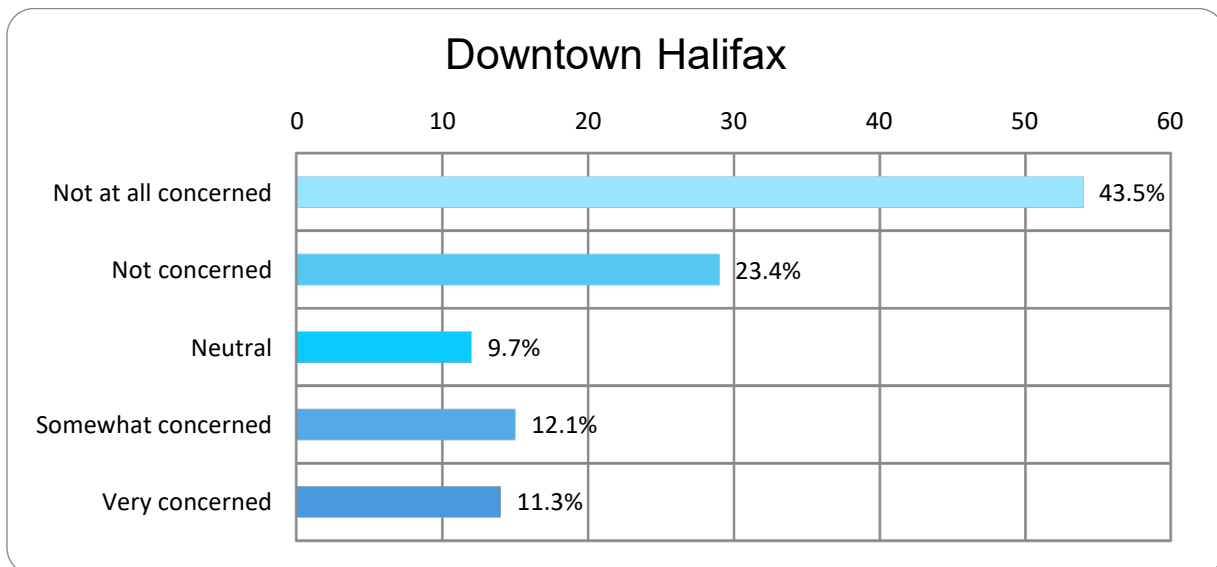
Survey Results

Question 1: How close do you live to a licensed establishment?

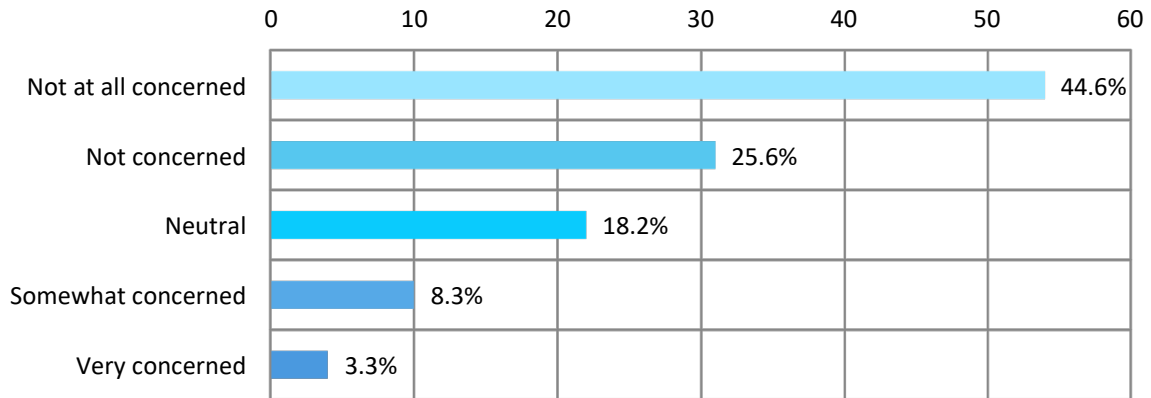


Of the 124 responses received, 54 did not live on the same street or block as a licensed establishment. Forty-two responses came from those living in the same building or within one block from a licensed establishment, and 22 on the same street. Most of the six responses that chose “Other” noted they were several blocks away from any licensed establishment.

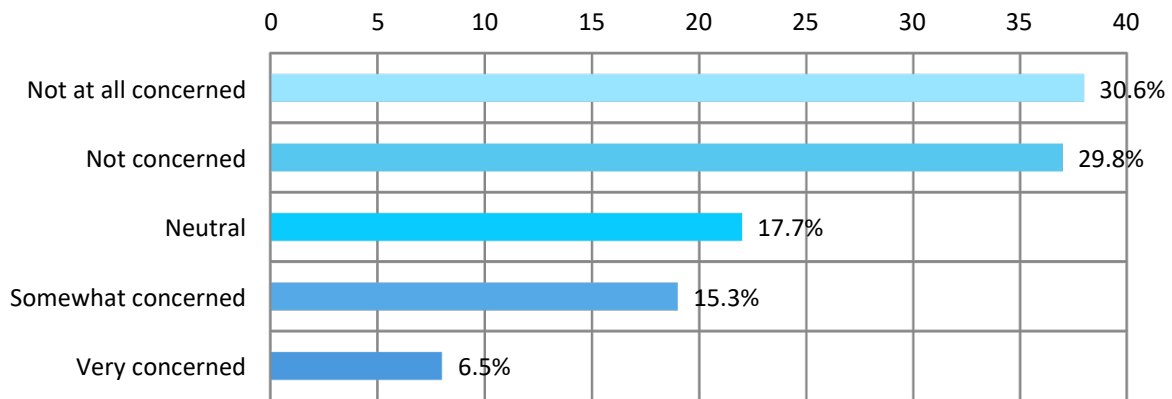
Question 2: Please indicate your level of concern about noise coming from licensed facilities such as restaurants, bars or entertainment areas, in the following areas:



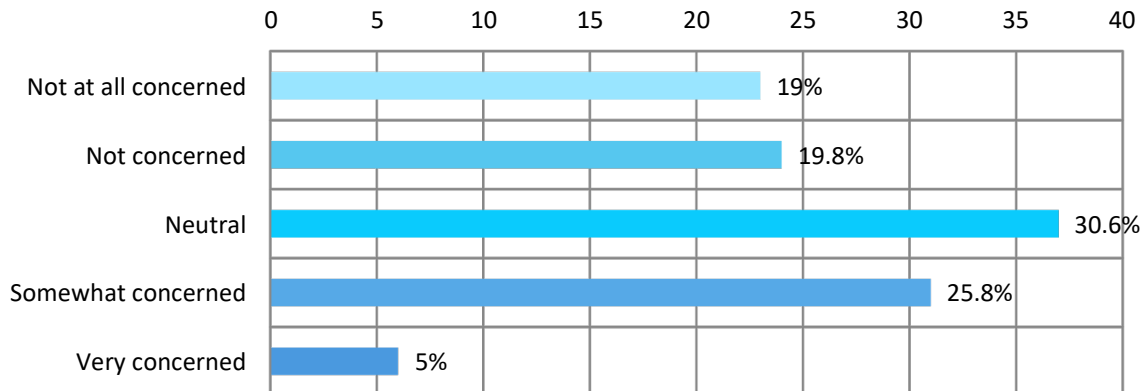
Downtown Dartmouth



Commercial Streets



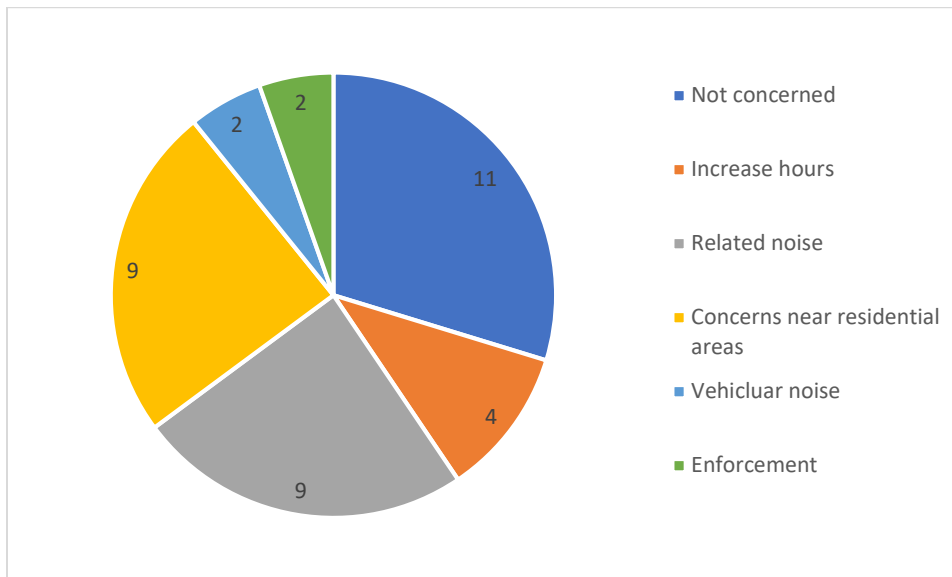
Other Areas



The majority of respondents are either not concerned or not at all concerned about noise in Downtown Halifax (83 of 124 responses) and Downtown Dartmouth (85 of 121 responses). There is a slightly higher level of concern about noise along Commercial Streets, with 75 of 124 responses not concerned but 27 either somewhat or very concerned. "Other Areas" which covers all other places within the Regional Centre and so has a high number of established residential areas, has the highest level of concern with 37 of 124 responses somewhat or very concerned, and a further 37 neutral. However, 47 respondents still expressed little or no concern about noise in Other Areas.

Question 3: Do you have any comments about areas where noise from licensed establishments is a concern?

Thirty-eight comments were received. They tended to fall under one of six themes, with some responses including more than one theme. The numbers in the figure below reflect the number of times a theme was raised in the comments.

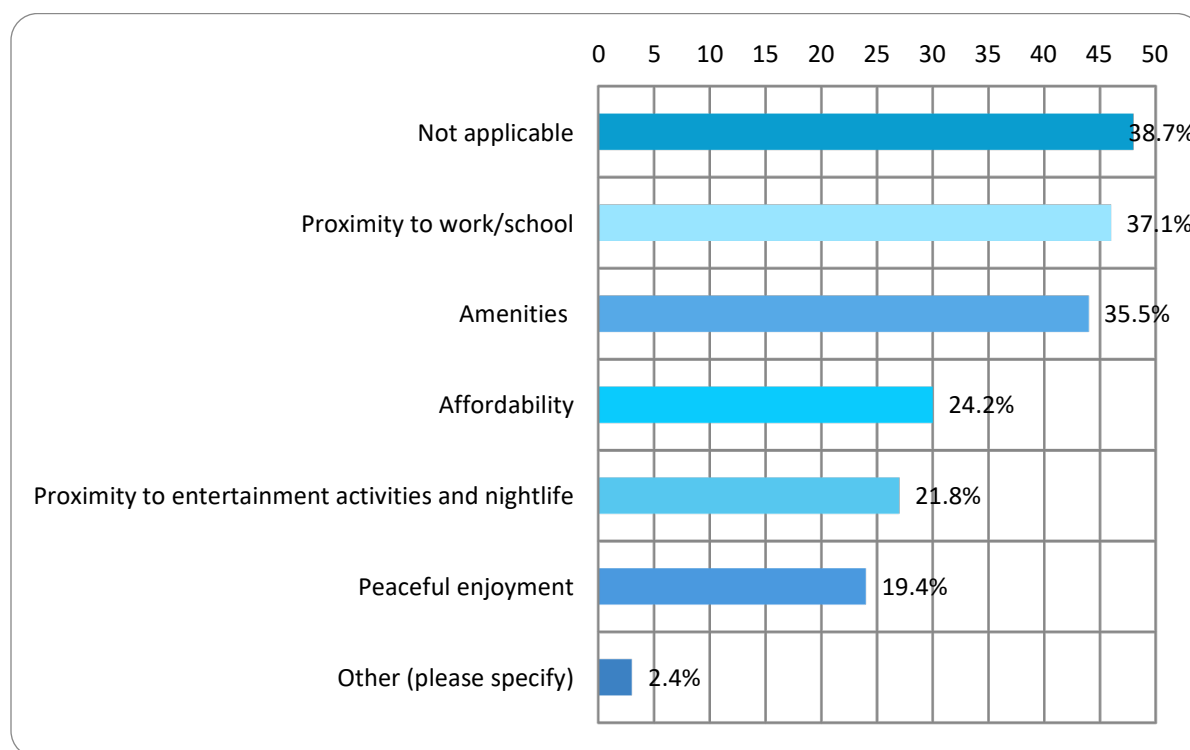


Those who were not concerned about noise from licensed establishments tended to state that people living downtown have to expect some level of noise, and that the bars for the most part pre-date the residential developments. Some also felt that HRM needs to encourage a dynamic downtown with entertaining nightlife. A few responses felt that hours should be increased.

"Related noise" was an issue for those who did have concerns. This is noise related to people coming and going, rather than noise from establishments themselves, and includes crowds gathering after leaving bars, yelling and screaming, fights, vomiting, litter, etc.

Licensed establishments encroaching on established residential was also a concern. Potential solutions included earlier closing hours in such areas and noise reduction in buildings themselves.

Question 4: If you live within the same building or within the same block as a licensed establishment, what factors did you consider in choosing your neighbourhood? Please select all that apply.



**Respondents could choose multiple answers, so the percentages above reflect the number of times each answer was chosen as a percentage of total survey responses*

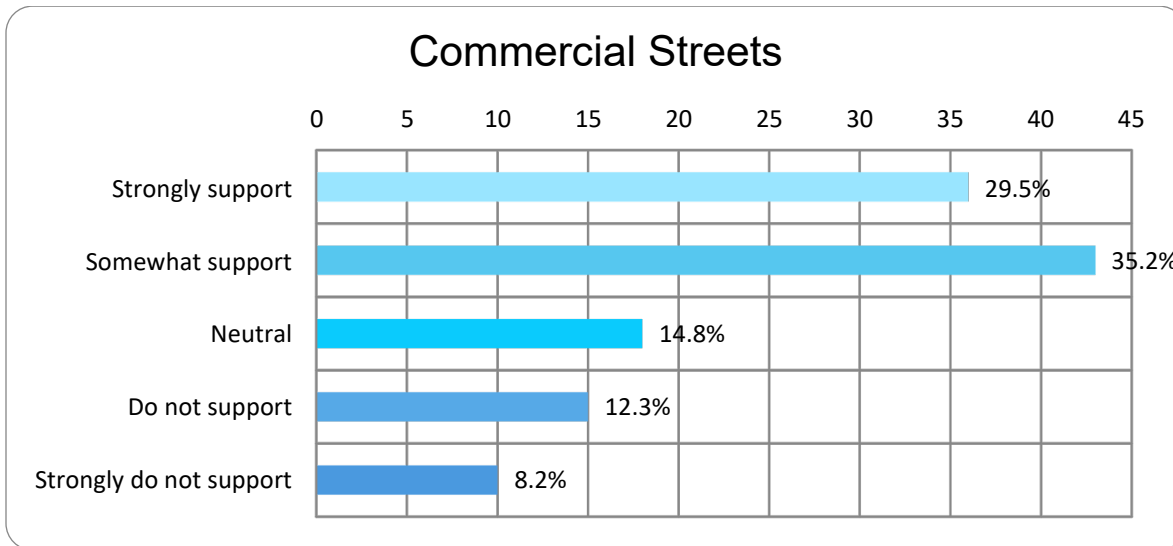
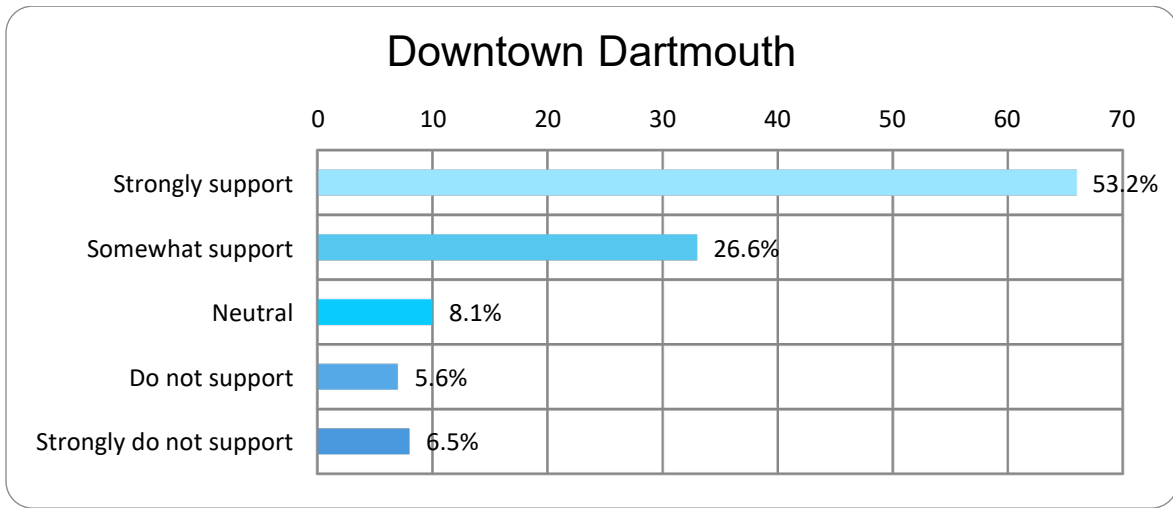
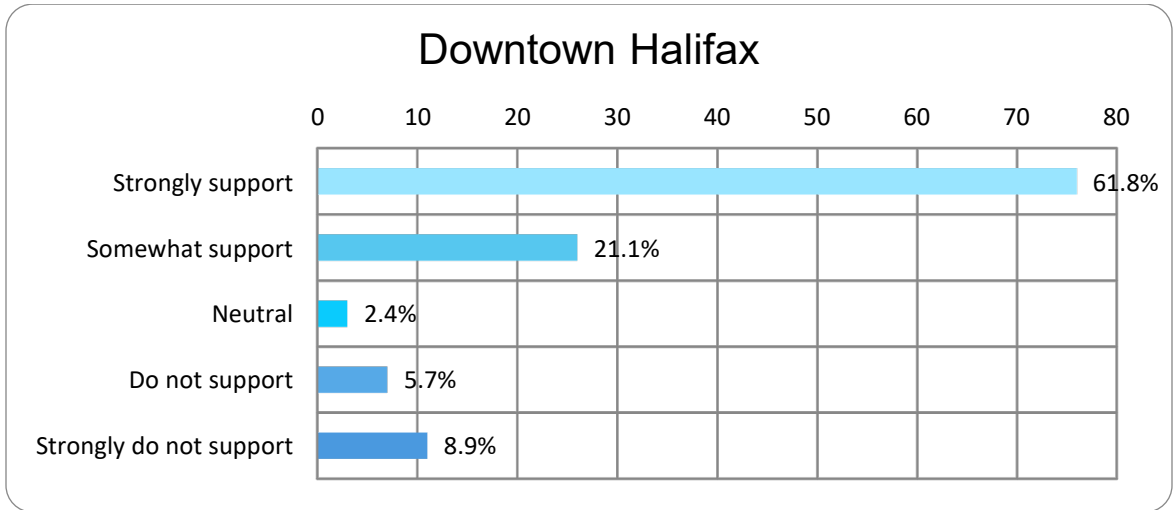
Sixty-four respondents said they live in the same building, block or street as a licensed establishment. Forty-eight of 124 respondents chose “Not Applicable,” presumably because they are among the 54 who indicated in Question 1 that they do not live on the same street as a licensed establishment. Seventeen responses to this question were left blank.

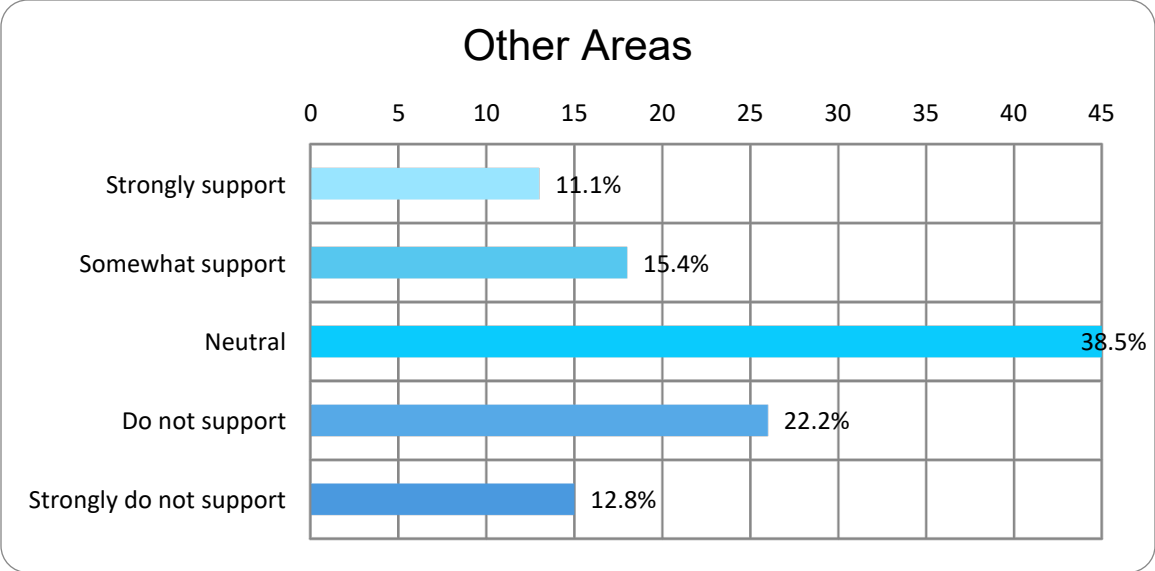
As respondents could choose multiple answers, there were 222 responses to this question. Proximity to work and school received 46 votes, and access to amenities received 44; these were the most popular reasons for choosing residences near licensed establishments. Only 27 respondents noted proximity to nightlife and entertainment as a factor. Just under one-fifth of respondents selected “peaceful enjoyment,” which received 24 votes, perhaps indicating that a quiet neighbourhood is not expected for the majority of those living near licensed establishments.

Question 5: An Entertainment District would exempt an area from the Noise By-law or extend the hours when noise is permitted. Please indicate your level of support for an Entertainment District in one or more of the following areas in the Regional Centre?

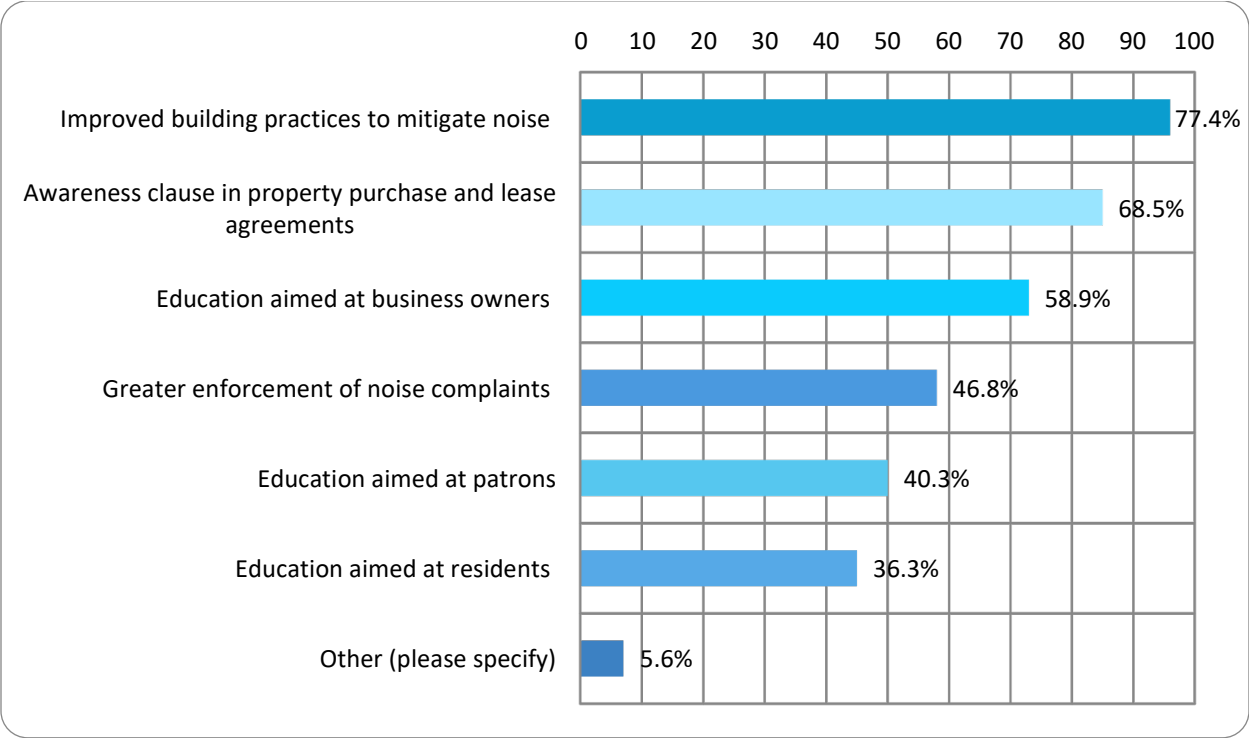
Respondents showed a high level of support for Entertainment Districts in both downtown Halifax (102 of 123 answers) and Dartmouth (99 of 124 answers). Only 18 respondents did not support such a District for Downtown Halifax, and 15 for Downtown Dartmouth. There was also some support for Entertainment Districts along commercial streets like Gottingen Street, Quinpool Road and Robie Street, with 79 of 122 respondents expressing somewhat or strong support, and only

25 opposed. The majority of responses for Entertainment Districts in Other Areas was either neutral (45 of 117 answers) or negative (41 responses).





**Question 6: Are there noise mitigation measures or strategies you would recommend?
Please select all that apply.**



**Respondents could choose multiple answers, so the percentages above reflect the number of times each answer was chosen as a percentage of total survey responses*

As respondents could choose multiple answers, there were a total of 414 responses to this question. Ninety-six of those felt building practices such as soundproofing would be a useful way to mitigate noise. A further 85 supported clauses in purchase and lease agreements to notify

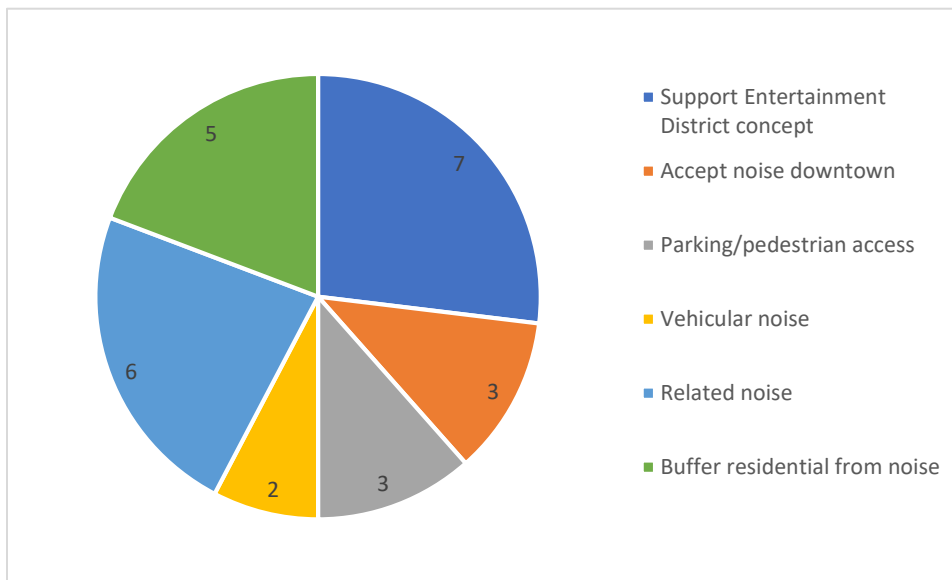
potential residents of entertainment-related noise, as an education tool. Education was a popular theme, with 73 respondents feeling it would be helpful for business owners, 50 for patrons, and 45 for residents.

Fifty-eight respondents felt greater enforcement of noise complaints would be helpful. This was also a theme in the comments, with suggestions around enforcing closing times and public insobriety. Other suggestions include restricting parking and only permitting access to the district by foot or transit; banning exemptions for outdoor sound systems, and quantitative measuring of noise levels (e.g., decibel readings).

Question 7: Do you have any other comments about noise and the proposed Entertainment Districts?

Thirty comments were received. They fell under six general themes, with some responses including more than one theme. In general, the comments reflected support for the idea of an Entertainment District, as demonstrated in Question 5 above. Comments indicated it as a way to support a dynamic, growing downtown and encourage more live music. Some comments again noted problems with noise related to licensed establishments but not caused by them, such as people loitering outside, vandalism, fights and public insobriety. There was also concern about ensuring residential areas are buffered from entertainment-related noise, either by distance, restricted hours, or building design to shield upper-level residential units from ground-level noise in mixed-use buildings.

The numbers in the figure below reflect the number of times a theme was raised in the comments.



Stakeholder Consultation

As noted above, in winter of 2020 staff consulted with business improvement districts (BIDs), the Restaurant Association of Nova Scotia, and a number of businesses based in the Regional Centre. Overall there was support for the idea of enabling Entertainment Districts under the Noise By-law. Comments echoed those in the survey that people living or moving downtown should expect some noise. Increased education, potentially involving the real estate industry, was

suggested as a mitigation strategy. Establishing decibel limits was a point of discussion but several people noted difficulties with filtering out background noise and being able to measure only the sound coming from an establishment.

All participants stated that noise from patrons leaving bars causes more noise than the establishments themselves. This raised the question of who is responsible for policing this noise – the licensed establishment, HRM enforcement officers, or police? Many felt more HRM enforcement is needed, though bars could also post signs reminding patrons to be respectful of residents in the area. There may be jurisdictional issues at play as well, as NS Alcohol and Gaming has its own complaint process and some bars have restrictions on noise set by the Utility and Review Board. These restrictions would likely not be impacted by any change to HRM's Noise By-law.

Potential Recommendations - Considerations

- **Establish Entertainment Districts in downtown Halifax and Dartmouth**

A majority of respondents supported establishing Entertainment Districts in downtown Halifax (83%) and downtown Dartmouth (79%). Approximately two-thirds of survey respondents indicated little or no concern about noise in the two downtown areas. There was moderate support for Entertainment Districts on Commercial Streets but as these areas are less defined, they could be revisited as potential districts as large-scale redevelopments are completed.

If a District is established, what is an appropriate end time to put in the by-law? Other municipalities with policies around entertainment and the nighttime economy tend to stipulate 10 or 11 p.m. The physical boundaries of any District would also need to be established: whether they should follow the existing boundaries of the Downtown and Central Business District zones, or be smaller, more defined areas.

Given the Covid-19 restrictions in place for the foreseeable future, it might be worth consulting with industry stakeholders again to determine if establishing an Entertainment District would make a difference to their businesses at this time. E.g., is live music and dancing allowed, are there limits on closing times that would make any Noise By-law changes irrelevant?

- **Increased enforcement in areas with licensed establishments**

Noise from patrons leaving licensed establishments and accompanying loud behavior was an issue raised in both the survey responses and industry consultation. Increased enforcement might be able to mitigate some of this, but what form would it take (e.g., verbal warnings, fines, physical removal from the area, etc)?

Changes to enforcement practices would not require changes to the Noise By-law, but might require additional resources within By-law Enforcement or Halifax Regional Police.

- **Mitigation strategies**

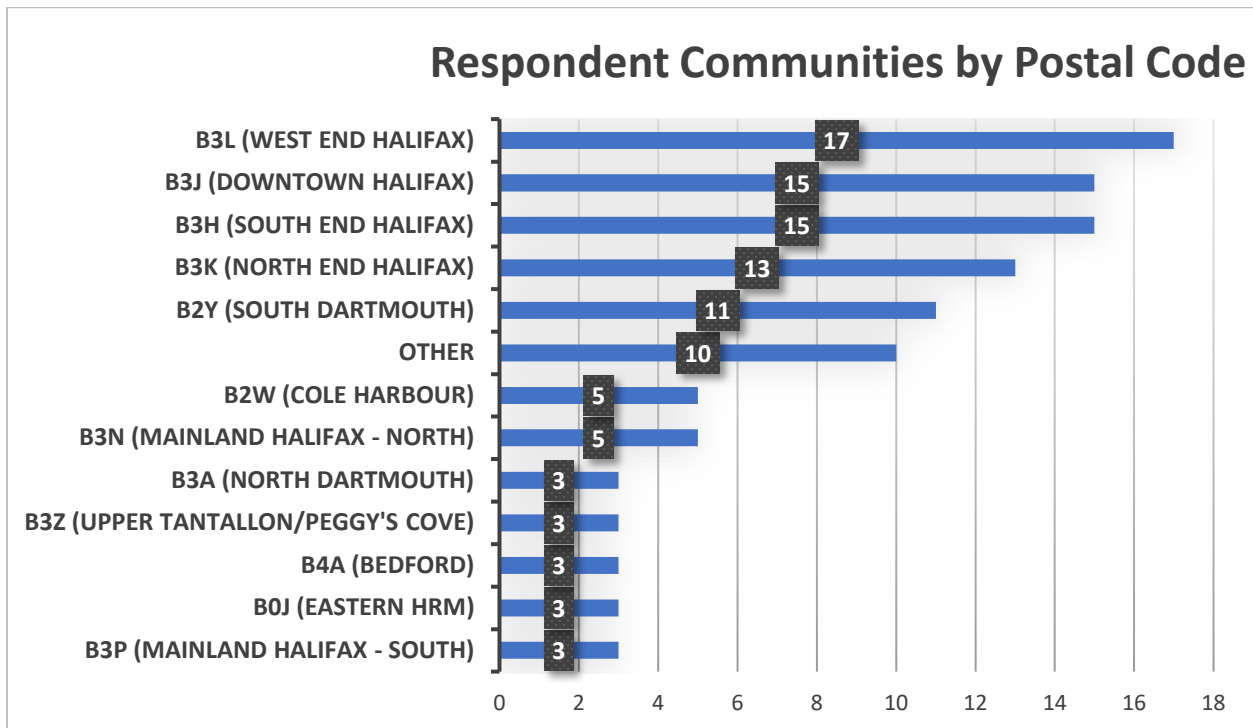
Education and raising awareness were seen as key for people living and moving to potential entertainment districts. Clauses in purchase and lease agreements would be one

way to achieve this, but it is unclear what authority HRM has to require them. Education for business owners aimed at having them play a larger role in containing noise is also a possibility. Some other municipalities have “good neighbour” policies that businesses can adopt, by helping to control patrons leaving and keeping the area clean. However, these policies are voluntary and not enforceable, so it is unclear how effective they would be.

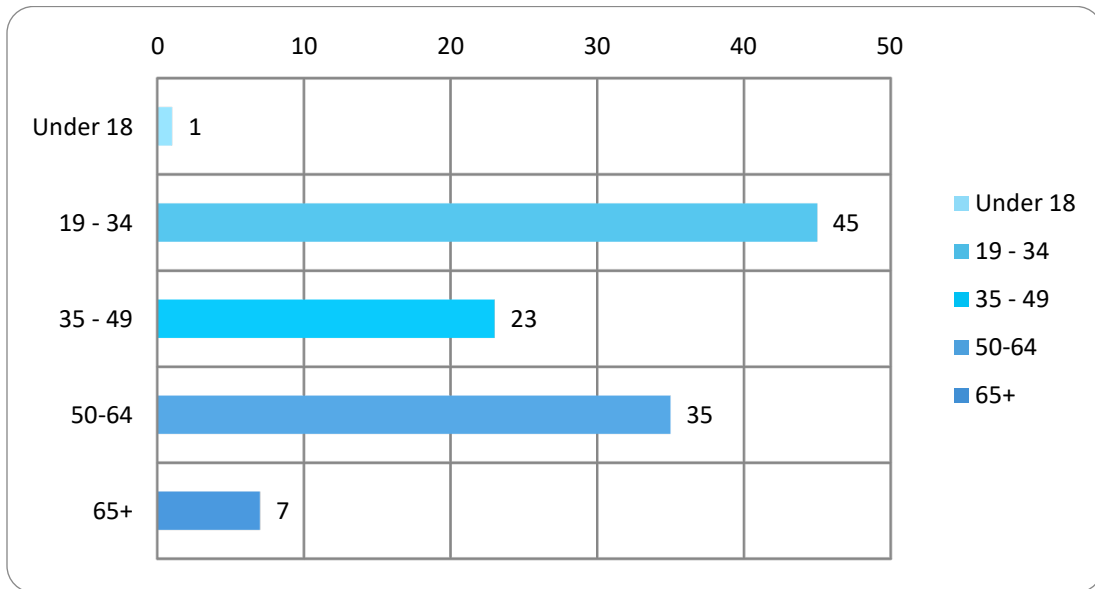
Incorporating sound mitigation materials into new developments would be a straightforward way to help residents in Entertainment Districts. A review of the building code would determine if any such materials are required, or if HRM could mandate their use. These measures would apply only to new developments, not existing buildings, unless retrofits could also incorporate some materials to block out sound.

Survey Demographic Information:

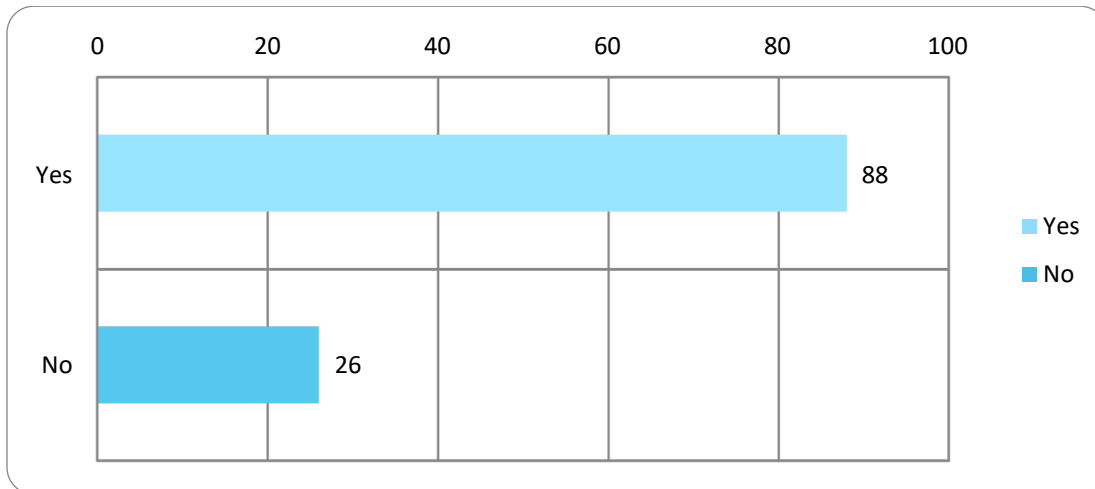
First three digits of postal code



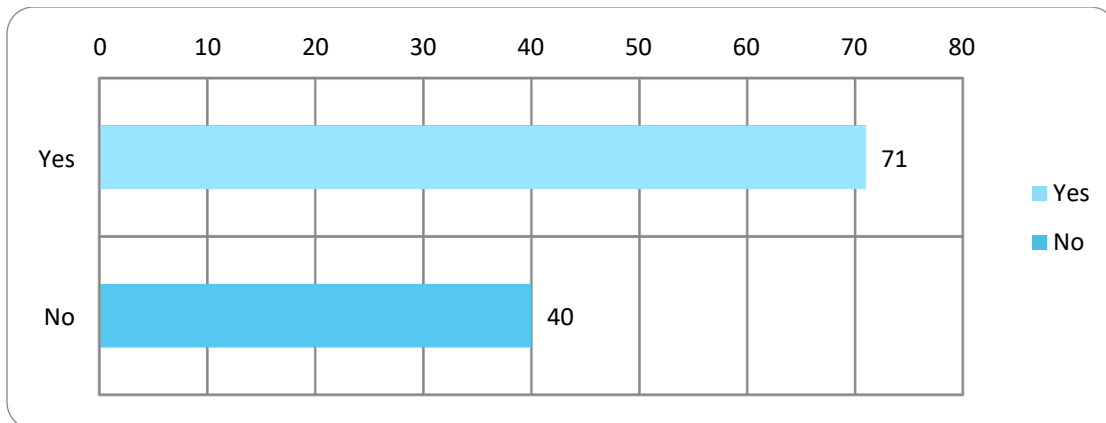
Which age group do you fall in?



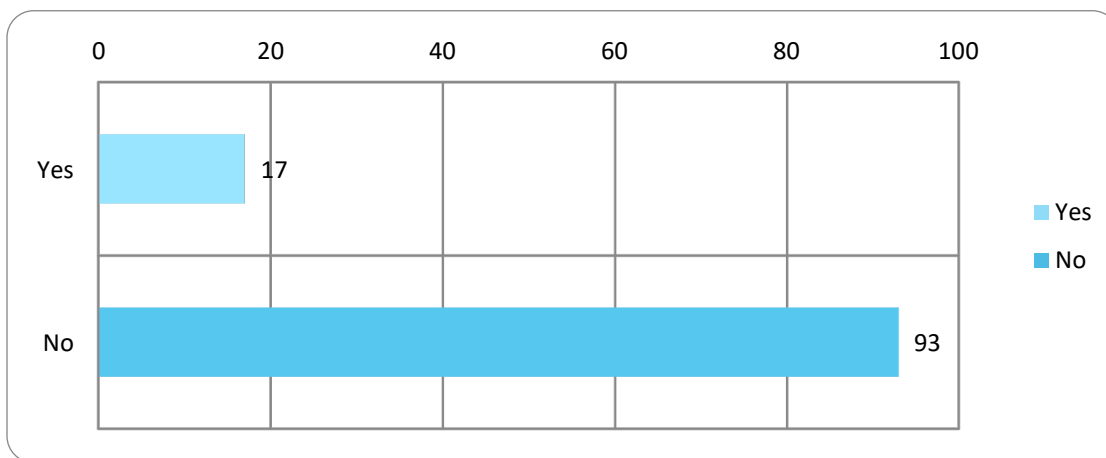
Do you live in the Regional Centre?



Do you work in the Regional Centre?



Do you own a business in the Regional Centre?



What best describes your housing situation?

