

Changes to By-Law N-200: Construction Related Noise

Community Planning and Economic Development
Standing Committee

Background

Council motions to consider:

- Potential changes to the Noise By-law (N-200) to better align prohibited times for construction related noise with reasonable standards when adjacent to residential areas
- A permit process for temporary rock breaking/crushing, including environmental and noise related to rock breaking/crushing



Background

- **By-law N-200:** Permits construction-related noise near residential areas 93.5 hours per week:
 - 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.
 - exemptions for certain public agencies and their agents
- **By-law S-300:** Municipal Engineer can set work hours and specify additional restrictions and exemptions for road works through a street and services permit.
- **By-law B-600:** permits blasting from 8 a.m. to 6 p.m. Monday to Friday.
 - Exemptions on weekends and holidays may be considered by staff, but only between 10 a.m. and 6 p.m.

Environmental Impacts of Rock Breaking/Crushing

- Construction Site Management AO (2018-005-ADM)
- Trees By-law (T-600)
- Grade Alteration By-law (G-200)
- Lot Grading By-law (L-400)

Jurisdictional Scan

- Review of noise by-laws in 11 Canadian municipalities:
 - Weekday start time typically at 7 a.m.
 - Weekday end times range from 6 p.m. to 11 p.m.
 - Reduced hours on weekends
 - Staff-approved exemptions
- Rock breaking/Blasting by-laws:
 - Not common in many provinces
 - Some B.C. jurisdictions require permit to remove or deposit rock
 - Plans for erosion control, water protection and drainage, and dust control
 - Rock breaking and blasting generally permitted on weekdays between 8 a.m. and 5 p.m.



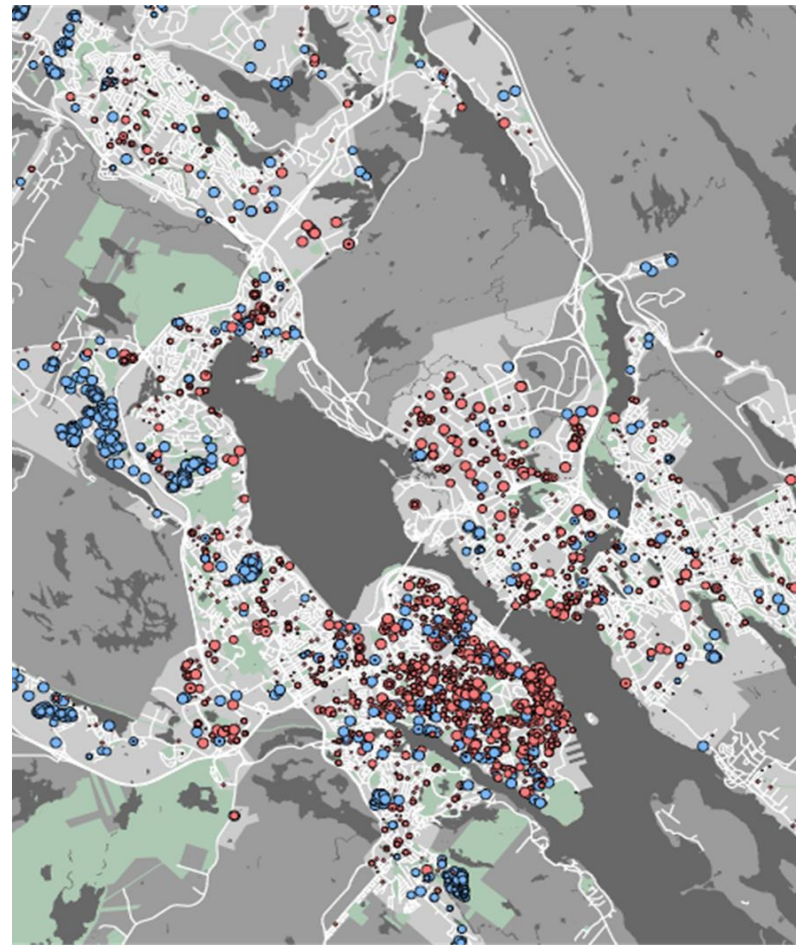
HRM Construction Activity:

January 2018 to March 2021

- **Blue:** new construction
- **Red:** renovation

Complaint Data:

- 311 complaints (January 2017 to September 2020)
- 17% construction-related complaints (150)



Stakeholder Engagement

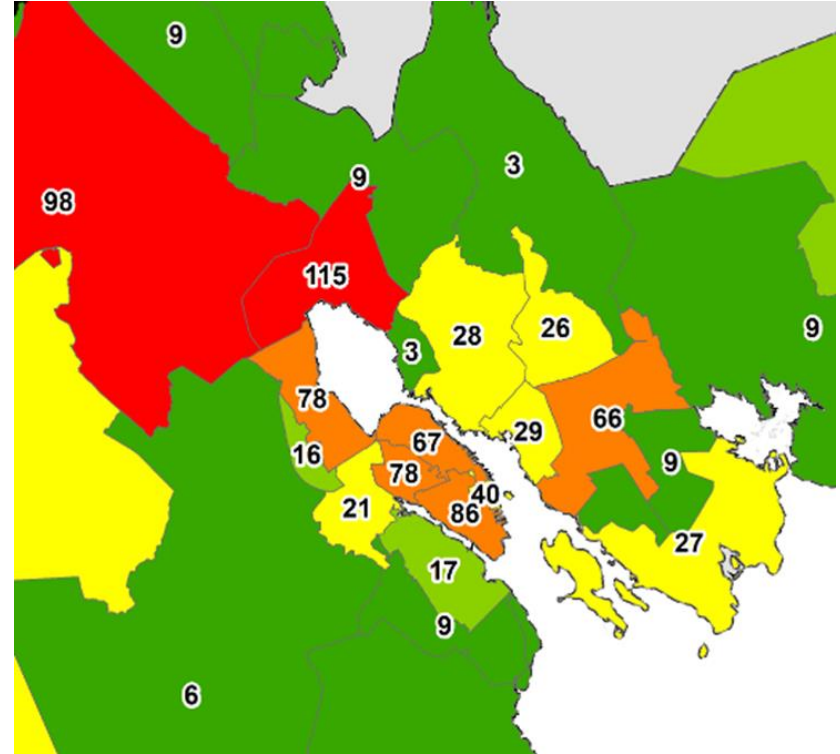
Targeted stakeholder consultation with construction industry, Business Improvement Districts, and business owners:

- Construction industry concerns
 - impact of any changes on project costs and timelines, red tape delays
 - traffic impacts of changes to morning hours
- Business community concerns
 - extended project timelines
- Ongoing meetings with construction industry associations to discuss issues that arise

Public Engagement: Questionnaire

- 941 submissions (summer 2020)
- 83% concerned about noise
- Themes: Earlier weekday end time, restricted weekend hours, one day with no construction
- Comments: pre-7 a.m. noise, rock breaking, impact on shift workers
- Mitigation measures: later start and/or earlier end, increased enforcement

Responses by Postal Code



Proposed Changes to By-law N-200

- Change permitted rock breaking hours to 8 am – 6 pm (M-F)
- Change permitted construction noise hours to 7 am – 8 pm (M-F); no change on weekends.
- Staff approved exemption process for construction noise
- Regulatory and Business Impact Assessments

Exemption Criteria and Process

- Extended consecutive hours are required to complete concrete finishing or concrete pouring;
- A need to temporarily reduce noise impacts during the day as identified in the project's approved Construction Mitigation Plan under AO-2018-005-ADM; and
- There is limited access (seven days or less) to specialized trades or equipment.
- Application and notification requirements

Recommendation

- It is recommended that the Community Planning and Economic Development Standing Committee recommend that Regional Council adopt By-law N-207, amending By-law N-200 Respecting Noise, as set out in Attachment B of this report.