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Item No. 12.1.1 (ii)
**Community Planning and Economic
Development Standing Committee**
June 16, 2022

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

-Original Signed-

SUBMITTED BY:

Jacques Dubé, Chief Administrative Officer

DATE: May 20, 2022

SUBJECT: Potential Changes to By-law N-200 Respecting Construction-Related Noise

SUPPLEMENTARY REPORT

ORIGIN

September 29, 2021 Community Planning & Economic Development Standing Committee (CPED) motion (Item 12.1.1):

MOVED by Councillor Smith, seconded by Councillor Lovelace:

THAT Community Planning and Economic Development Standing Committee defer consideration pending a supplemental report that:

1. Explores options to expand the notification area and communication methods for exemptions.
2. Explores expanding or improving notification for blasting and construction-related noise that includes further communication to affected properties.
3. Explores changes to weekday end-time hours (Monday to Friday) 9:00 p.m. for non-explosive rock-breaking.
4. Explores options for time reductions for non-explosive rock breaking.

MOTION PUT AND PASSED

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

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- (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;

Halifax Regional Municipality By-law N-200, Respecting Noise.

RECOMMENDATION

It is recommended that the Community Planning and Economic Development Standing Committee recommend that Regional Council:

- Adopt the revised By-law N-207, amending By-law N-200 *Respecting Noise*, as set out in Attachment B of this report.

BACKGROUND

HRM is experiencing increased levels of growth and construction in recent years, with work often occurring in areas adjacent to existing residential developments. With increasing amounts of construction comes increasing noise impacts on residential areas. In response to CPED and Council directions received in December 2017 and January 2021, the [July 16, 2021 CPED Council report](#) provided background information and recommendations on potential changes to the Noise By-law (N-200). CPED requested that staff further explore potential changes to the proposed recommendations. This report provides additional information and options for Council's consideration on notification and communication methods for noise exemptions, as well as blasting and construction projects, and proposed time reductions for non-explosive rock breaking as well as general construction. The following outlines additional background information related to notification areas.

Notification and Communication for Construction Noise By-law Exemptions (By-law N-200)

The Noise By-law currently requires that for Council approved noise exemptions, a notice of the public hearing be mailed to the assessed owner or owners located within 100 feet (30.5 m) of the property which will be the subject of the hearing. The notice must include the time, date and purpose of the Council Session.

The July 16, 2021 Council report proposed an expanded staff exemption process for construction related noise, including a similar notification requirement by the applicant with an exemption granted under the by-law (Section 6E of the proposed amending By-law N-207). In this situation, it is proposed that the applicant:

- hand deliver written notice a minimum of 48 hours prior to commencing the work, to all property owners and businesses located within 30 metres of the property on which the work is to be carried out;
- provide notice in the form of a sign onsite and a website that includes an email contact or social media link in a prominent location that residents can access for details of the noise exemption; and
- ensure that the notice include the reason for the exemption, the duration of the approved exemption and a method of contact for further questions.

Notification Area and Communication under Blasting By-law (By-law B-600)

Section 10 of By-law B-600 states that blasting cannot be carried out unless notice is delivered by hand after the Blasting Permit is issued and at least four (4) days prior to the commencement of blasting, to every property owner or business within the "Affected Community". The "Affected Community" is defined in the By-law as all properties within a distance from the Blasting Area as the Inspector may specify, but it must be no less than 300 metres from the Blasting Area. The notice must contain key contact information, the start of the blasting, duration, and location. In addition, a public information meeting may be required by the Inspector as a condition of the Blasting Permit. For any blasting within 300 metres of a school, hospital, or other health care facility, a detailed notice must be given to the senior administrator of the facility, and the senior administrator must also be informed at least 2 hours prior to each blast. Please see additional detail in Attachment D.

Other Construction Related Notification

There is no required notification or communication for any noise exemptions issued under By-law S-300 (Respecting Streets). However, disruptions in the HRM right of way are subject to provisions in AO 2018-005-ADM and the HRM Traffic Control Manual (TCM) Supplement of the Municipal Design Guidelines (Red Book).

Under the Noise By-law, public agencies are exempted, however, they are required to provide 48 hours written notice to property owners within 30 meters of the work site prior to commencing the work. Notification is not required in the event of work due to an emergency. The Administrative Order 2018-005-ADM (AO) Respecting Construction Site Management includes notification and communication requirements as part of the required Construction Management Plan (CMP), which depend on the scale and complexity of the construction projects. Section 26 of the AO (Noise Pollution) also requires an assessment of the community and noise mitigation measures for any exemptions provided by the Engineer. Please see additional detail in Attachment D.

Jurisdictional Scan for Notification Distance

The following provides a summary of typical notification distance for noise exemptions, blasting and/or rock-breaking in other Canadian cities:

Noise Exemptions

- *City of Calgary*: no specific notification requirement
- *City of Hamilton*: various conditions may be specified, but no specific notification requirement.
- *City of Moncton*: no specific notification requirement
- *City of Ottawa*: no specific distance but notification must be given to the affected parties including but not limited to community associations, business improvement areas and adjacent residents and businesses.
- *City of Toronto*: 100 m from point source & sign posted 7 days before construction activity
- *City of Vancouver*: one block radius to residential properties, and encouraged to notify other types of properties

Rock breaking/blasting

- *Chilliwack*: permit & notification required for activity 20 m from modern buildings, and less than 30 m from historic buildings, hospitals & schools.
- *Salt Spring Island*: 300 m for rock breaking or blasting
- *West Vancouver*: 120 m for rock breaking permits

Noise Complaints

The Municipality tracks public noise complaints through 311. As reported in the July 16, 2021 Council report, between January 2017 and September 2020 there were 868 noise-related complaints received, and of these, 150 were construction-related (17.3%) and 31 (3.6%) were related to jackhammering and rock breaking.

Staff again analyzed public noise complaints received by 311 from September 2020 to February 13, 2022, which is a relatively short time period. There were 355 noise complaints received for various issues during that time period, and of those 15 (4.2%) were for construction related noise. The construction noise complaints were for the following reasons:

- 5 complaints were for early morning site preparation
- 5 complaints were for equipment noise (which includes jackhammering and rock breaking)
- 4 complaints were for work continuing late into the night
- 1 complaint was for loud music being played by workers onsite

DISCUSSION

Since the last report was presented to CPED, HRM has continued to experience high levels of growth and increasing pressures on the construction industry caused by the COVID-19 pandemic, labour shortages, interruption in supply chains and increases in the cost of materials. Staff therefore propose some changes to the originally proposed recommendations. This section further explores the rationale for the proposed changes, revised recommendations to the initially proposed reductions in general construction hours, and potential alternatives for CPED's and Council's consideration.

Options to Expand the Notification Area and Communication Methods for Construction Noise Exemptions (By-law N-200)

The current Noise By-law N-200 requires a minimum 100 ft (30.5m) notification for Council exemptions, and a similar minimum distance (30 m) is recommended for the new proposed staff exemption process. The following activities are proposed for the expanded noise exemption in the July 16, 2021 CPED Council report:

- a) extended consecutive hours are required to complete concrete finishing or concrete pouring;
- b) there is 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
- c) there is limited access (seven days or less) to specialized trades or equipment.

These exemptions are time-limited but may include a broad range of activities with various noise levels. One notification distance may not be appropriate for all contexts and types of exemptions. Therefore, staff recommend that the minimum notification for noise exemptions be maintained at 30 m while adding a provision that allows staff to require a larger notification area based on residential context and the type of exemption. This approach is similar to By-law B-600 and the CMP where a greater notification area can be required. The revised notification provision is illustrated in Attachments A and B.

As an alternative, Council could direct an expanded minimum notification area of 100 m for the proposed construction noise exemptions. This would be similar to the notification distance required for a land use by-law variance under 2016-004-ADM Respecting Variance Notification Distance.

In addition to applicant notification in the form of notice, sign and website, staff advise that should Council approve the recommended changes, a new municipal website page will be established to educate residents about the provisions of the Noise By-law including industry requirements, provide information on any approved construction noise exemptions and where they are located, and how to sign-up for updates.

Options for Expanding or Improving Notification for Blasting and Construction-Related Noise

The minimum notification area for blasting permits is currently 300 m. This larger notification area reflects the potential noise and vibration impact of blasting on residential and institutional properties and the Engineer or Inspector can scale notification areas to the scale and complexity of the project. Given the wide variety of settings for construction work sites in residential areas, staff do not recommend a wholesale increase to the minimum notification area. Any increase to the notification would require an amendment to By-law B-600.

Options for Weekday Permitted Hours for Non-Explosive Rock Breaking

As described in the July 16, 2021 CPED Council report, rock breaking and jackhammering were noted as particularly intrusive types of noise, both in the online questionnaire and complaints received through 311. Rock breaking is currently included in the definition of “construction” in the Noise By-law and is therefore permitted during the same hours as construction and other general noise. A jurisdictional scan found that in British Columbia, where blasting and rock breaking by-laws exist due to the local geology similar to Halifax, rock breaking is regulated in a similar fashion as blasting. Most reviewed municipalities end rock breaking at either 5 pm or 6 pm, with only Sechelt, BC permitting it up to 9 pm.

In the proposed amendments to By-law N-200, staff proposed to define rock breaking as “*a method used in construction to demolish concrete structures and rock by using either a jackhammer or a percussion hammer which has been fitted to an excavator*”. The hours of operation are proposed to be reduced to Monday to Friday from 8 am to 6 pm, which is consistent with blasting hours. As per Part 3 of the Noise By-law, this would only apply to activities originating from within a residential area.

The current Noise By-law (N-200) does not employ quantitative measures of noise in its regulations. However, the proposed hours were guided by the research related to measuring and assessing nuisance related to noise levels, and how rock breaking noise compares to background noise, general construction noise, and blasting noise¹ as summarized below:

- Noise is unwanted sound, and in scientific terms it is a pressure wave that decreases in intensity over distance from the source. Noise levels can originate from point sources (e.g. construction site) or line sources (e.g. traffic) and is measured in relation to ambient or background noise levels, which can vary greatly based on site specific factors. Topography, vegetation, and atmospheric factors can also affect the rate of noise attenuation. A generally flat, hard surface, such as water or concrete help to facilitate noise travelling further, while normal unpacked earth can absorb noise.
- Health Canada suggests different methods for assessing short-term and long-term impacts of construction noise in environmental assessments with key health impacts related to loss of hearing, lack of sleep, speech incomprehension, and related impacts on performance, irritability, mental health and even cardiovascular health² (see Attachment D);
- Noise is measured in decibels (dB), which uses logarithmic scale, so noise levels cannot be added by standard addition. The smallest audible sound (near total silence) is 0 dB, and a sound 10 times more powerful is 10 dB, while a sound 100 times more powerful is 100 dB.
- Construction related noise is deemed to be one of the most difficult to quantify given the varied activities and equipment used and based on local context. Construction point source noise assessments commonly use maximum decibel level (L_{max}) or the highest value of a sound

¹ Source: US Nuclear Regulatory Commission (USNRC). *Biological Assessment Preparation Advanced Training Manual Version 02-2012; Construction Noise Impact Assessment*. <https://www.nrc.gov/docs/ML1225/ML12250A723.pdf>. Accessed Dec. 21, 2021

² Source: Health Canada. 2017. *Guidance for Evaluating Human Health Impacts in Environmental Assessment: NOISE* <https://www.ceaa.gc.ca/050/documents/p80054/119378E.pdf>. Accessed Dec. 21, 2021.

- pressure over a stated time interval. It is important to acknowledge that levels of noise generated will depend on how often it will occur and how long it will last;
- Typical construction noise activities have been assessed by researchers at the following levels:
 - *Stationary equipment* such as pumps, power generators, and air compressors generally run continuously at relatively constant power and speeds. Noise levels at 50 feet (15 m) from stationary equipment can range from 68 to 88 dBA, with pumps typically in the quieter range.
 - *Impact equipment* include pile drivers, jackhammers, pavement breakers, rock drills, and other pneumatic tools where the noise is generated from the impact of the tool against material. These levels can vary depending on the type and condition of the material but noise levels at 50 feet (15 m) from impact equipment, can range from 79 to 110 dBA.
 - *Blasting* may be associated with impact equipment use and that noise can reach 126 dBA. However, since blast noise typically is infrequent and of short duration, blast noise is assessed using a different noise metric than what is used for other more continuous types of noise.

Attachment D includes additional information on noise levels and human response. Based on published research, noise emitted from rock breaking equipment is expected to be between 79-110 dBA, which is considered to be “annoying” to “extremely loud”. Given the local geology of HRM, increased construction activity, and the extended period of time required by rock breaking as compared to blasting, the impact on residential neighbourhoods can be considered as serious. Noise is included in the definition of a “health hazard” in the *Nova Scotia Health Protection Act*. Many rock breaking activities end at 4 pm although road, water and sewer construction projects take place under all permitted hours under the Noise By-law. Staff therefore recommend the initially proposed reduced hours of operation (Monday to Friday, from 8 am to 6 pm) be considered by Council for approval.

Other Options for time reductions for Non-Explosive Rock Breaking.

As discussed above, non-explosive rock breaking can be considered to be intrusive and can have an impact on the quality of life of residents. At the same time, construction projects are vital to the current growth and economic development of the municipality. As an alternative, Council could direct that non-explosive rock breaking be also permitted on Saturdays from 8 am to 6 pm.

Allowing rock breaking on Sundays and holidays is not recommended. Should Council support the alternative, this would add on average 16 hours per week to the previously proposed hours of operation. Therefore, an overall reduction from 93.5 hours per week currently permitted to 66 hours per week (versus 50 hours per week proposed in the July 16, 2021 CPED report). Staff also recommend continuing to allow public works listed in clause 4 (2)(c) of the Noise By-law to continue rock breaking activities in the right-of-way under the previous hours because those activities can benefit from times when traffic levels are low, they move along the street, and can be completed faster thanks to longer work hours.

Additional Recommended Changes

Recognizing the current pressures on the housing system and construction industry, staff advise that reducing general permitted hours for construction noise at this time will further impact the length and cost of construction projects as indicated in the Business Impact Analysis section of the July 16, 2021 Council report. Therefore, staff recommend maintaining the permitted hours of 7 am to 9:30 pm Monday to Friday in the revised proposed amendments in Attachments A and B. For clarity, all existing exemptions will continue under the By-law, with minor clarifications.

Conclusion

While construction noise has an impact on quality of life for residents, it is also an unavoidable issue in a growing municipality. With the current impacts of the pandemic on the construction sector, the cost and supply of housing, now is likely not an appropriate time to shorten general construction hours. However, a reduction in permitted hours of rock breaking within residential areas and outside of the right-of-way can have a measurable impact on the quality of life of residents while the proposed staff exemption process to

permitted construction hours can help support the construction industry and align with Construction Mitigation Plans.

FINANCIAL IMPLICATIONS

There are limited financial or budget implications for the Municipality associated with the recommendations in this report. While capital projects undertaken by HRM and Halifax Water are exempt from the *Noise By-law*, construction contracts that reference adherence to the *Noise By-law* requirement may experience the same incremental labour costs as private construction, as detailed in the Business Impact Analysis described below. Enforcement and communication pertaining to proposed changes to the *Noise By-law* can be carried out within the approved 2022/23 budget. Any future recommendations related to increased enforcement would be presented to Council through the annual budget process.

Business Impact Analysis (BIA)

The BIA tool is a standard cost model that is commonly used in many Finance departments to measure impacts to firms of proposed regulation, standards or practices. Information on the potential BIA impact associated with the proposed changes was included in the July 16, 2021 CPED Council report. The proposed amendments provide for a lesser reduction to construction noise hours.

RISK CONSIDERATION

There are no significant risks to the Municipality associated with the recommendations in this report. More detailed information was included in the July 16, 2021 Council report.

COMMUNITY ENGAGEMENT

Staff conducted stakeholder and public consultation to receive feedback on the issue of construction noise and possible mitigation strategies as outlined in the July 16, 2021 CPED Council report. Additional stakeholder consultation was conducted as part of this report. The main feedback received was in relation to negative impacts of any potential reductions to construction hours on industry and public works, and positive feedback related to the proposed exemptions.

While Council may adopt the proposed By-law amendments without hearing from the public following first and second reading, they may also choose to hold a public hearing following first reading and prior to second reading, given the potential implications of the proposed amendments to residents and the construction industry.

ENVIRONMENTAL IMPLICATIONS

Information on environmental implications was included in the July 16, 2021 CPED Council report.

ALTERNATIVES

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

1. Amend the revised By-law N-207, as set out in Attachment B of this report, to increase the minimum notification area for staff approved exemptions to permitted construction noise hours to 100 m in addition to staff discretion to increase notification distance.
2. Amend the revised By-law N-207, as set out in Attachment B of this report, to permit additional rock breaking hours on Saturdays from 8 am to 6 pm with the exception of statutory holidays.
3. Amend the revised By-law N-207, as set out in Attachment B of this report, to change the end hours for construction noise hours to 8 pm, Monday to Friday.
4. Direct other changes to the proposed amendments to the *Noise By-law* as set out in Attachment B to this report. This may require a supplementary report.
5. Decline to adopt the revised By-law N-207, amending By-law N-200, *Respecting Noise*, as set out in Attachment B to this report. This will result in maintaining the status quo.

ATTACHMENTS

Attachment A: Revised Showing Proposed Changes to By-law N-200 Respecting Noise
Attachment B: Revised By-law N-207, amending By-law N-200
Attachment C: Municipal Notification Requirements Related to Construction Noise
Attachment D: Noise Levels and Human Response

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.

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REVISED – May 10, 2022

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 **or rock breaking**;
- (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; and
- (j) "rock breaking" means a method used in construction to demolish concrete structures and rock by using either a jackhammer or a percussion hammer which has been fitted to an excavator.

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** **reasonably** 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
 - (i) the Municipality,
 - (ii) the Government of Canada,
 - (iii) the Province of Nova Scotia,
 - (iv) the Halifax Regional Water Commission,
 - (v) the Halifax-Dartmouth Bridge Commission,
 - (vi) the Nova Scotia Power Corporation,

(vii) telecommunication companies, ~~and~~

(viii) companies that provide natural gas or other gas intended as fuel for the public, ~~and~~

(ix) companies working in the street under hours prescribed by the Engineer in a streets and services permit issued under the *Streets By-law*,

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 Sobeys Warehouse Mall which forms the back walls of the Sobeys 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.

6B. (1) Subject to section 6, where a person makes an application for an exemption from the provisions of this By-law for construction noise and equipment:

(a) for extended consecutive hours required to complete concrete finishing or concrete pouring;

(b) due to a requirement to temporarily reduce noise impacts during the day as identified under an approved Construction Mitigation Plan under Administrative Order 2018-005-ADM; or

(c) due to limited access of seven (7) days or less to specialized trades or specialized equipment;

the CAO may grant an exemption.

6C. (1) The applicant for an exemption under subsection 6B(1) shall make written application on a form as prescribed by the CAO.

(2) Where an application for an exemption to the provisions of this By-law for construction noise and equipment does not fall within clauses (a), (b), or (c) of subsection 6B(1), the application will be referred to Council.

(3) The CAO shall issue an exemption to the applicant where:

(a) the application set out in subsection (1) is complete;

(b) the reason for the proposed exemption falls within the exemptions listed in clauses (a), (b), or (c) of subsection 6B(1), and;

(c) the applicant agrees to abide by any term or condition imposed by the CAO.

(4) For greater certainty, the CAO shall not issue an exemption unless all the requirements under subsection (3) are met.

(5) Upon granting an exemption, the CAO shall notify the applicant in writing and such notice shall:

(a) specify the dates and hours of the day the exemption will be in effect; and

(b) include such terms and conditions the CAO deems appropriate.

6D. The CAO may delegate the authority under sections 6B and 6C to the staff that oversees the noise exemption application process.

6E. (1) An applicant with an exemption granted under section 6C, shall hand deliver written notice a minimum of 48 hours prior to commencing the work, to all property owners and businesses located

(a) within 30 metres of the property on which the work is to be carried out, or

(b) within a distance greater than 30 metres of the property on which the work is to be carried out, as the CAO determines is appropriate.

(2) In addition to the written notice under subsection (1), the applicant shall also provide notice in the form of a sign onsite and a website that includes an email contact or social media link in a prominent location that residents can access for details of the noise exemption.

(3) The notice shall include the reason for the exemption, the duration of the approved exemption and a method of contact for further questions.

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.

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|----|--|--------------|
| 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 or rock breaking** 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 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.

13. Rock breaking

E

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.
- E - On a Monday, Tuesday, Wednesday, Thursday, or Friday until eight o'clock in the a.m. (8:00 a.m.) and after six o'clock in the afternoon (6:00 p.m.). All Day Saturday, 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

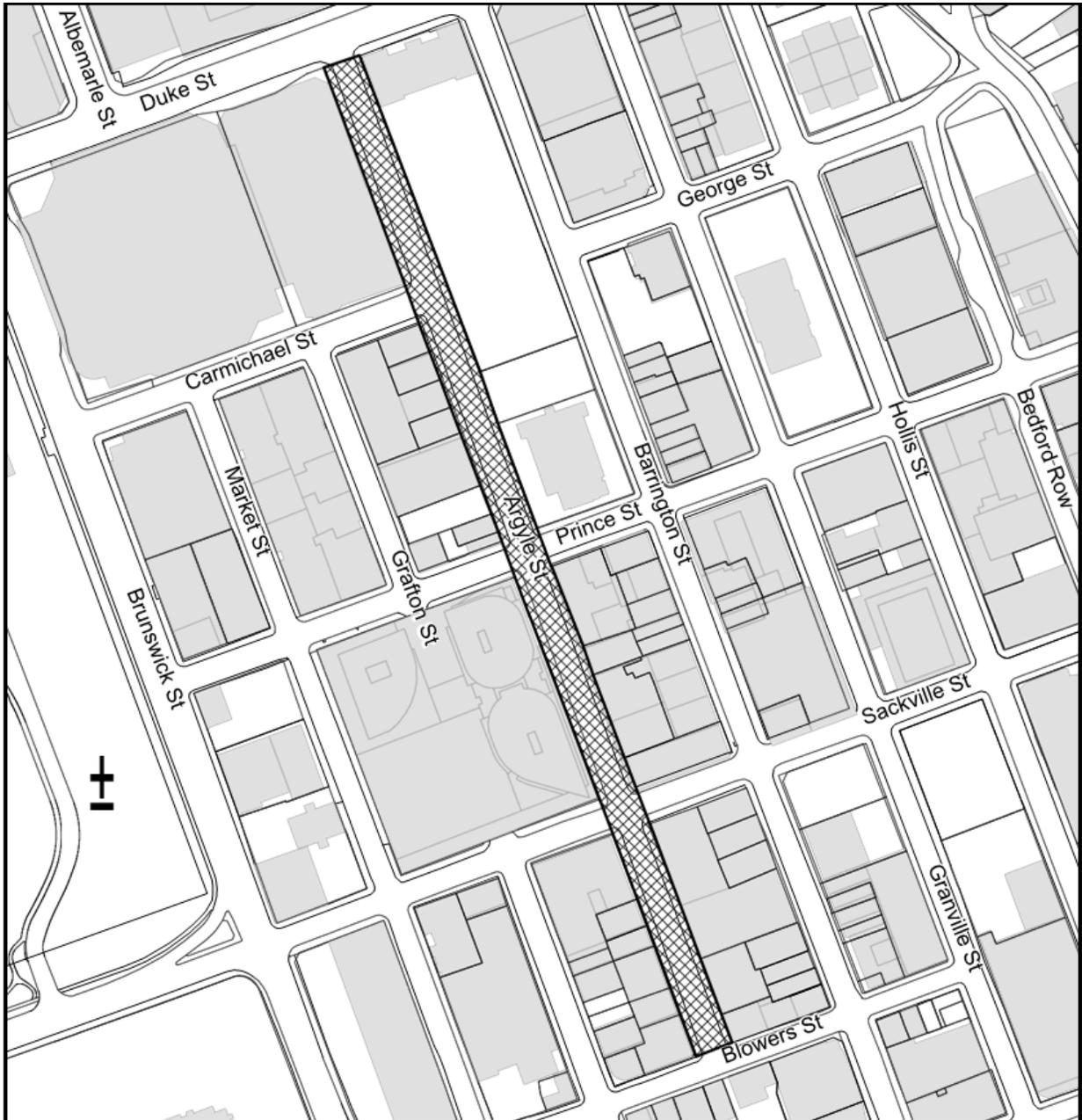
Schedule “C”

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.

21 December 2020

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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 – May 10, 2022

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW N-207
RESPECTING NOISE**

BE IT ENACTED 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 2 by:
 - (i) striking out the words and comma “rock breaking,” after the words and comma “felled trees,” and before the word “grading” in clause (ab);
 - (ii) add the words “or rock breaking” after the word “blasting” and before the semicolon at the end of clause (ab);
 - (iii) adding the word “and” after the semi-colon at the end of clause (i); and
 - (iv) adding the following clause after clause (i) and immediately before the section header, “General Prohibition”:
 - (j) “rock breaking” means a method used in construction to demolish concrete structures and rock by using either a jackhammer or a percussion hammer which has been fitted to an excavator.
2. striking out the word “reasonable” and replacing it with the word “reasonably” after the words “than is” and before the word “necessary” in the last line of subsection 4(1).
3. amend clause 4(2)(c) by:
 - (i) breaking out the enumerated parties into subclauses;
 - (ii) striking out the word “and” after the words and comma “telecommunication companies,”;
 - (iii) adding the word “and’ after the words and comma “for the public,”; and
 - (iv) adding the following subclause after the newly inserted word “and” and before the words “when those employees”
 - (ix) companies working in the street under hours prescribed by the Engineer in a streets and services permit issued under the *Streets By-law*,
4. adding the following sections after subsection 6A(3) and immediately before the header “Severability.”:
 - 6B. (1) Subject to section 6, where a person makes an application for an exemption from the provisions of this By-law for construction noise and equipment:

(a) for extended consecutive hours required to complete concrete finishing or concrete pouring;

(b) due to a requirement to temporarily reduce noise impacts during the day as identified under an approved Construction Mitigation Plan under Administrative Order 2018-005-ADM; or

(c) due to limited access of seven (7) days or less to specialized trades or specialized equipment;

the CAO may grant an exemption.

6C. (1) The applicant for an exemption under subsection 6B(1) shall make written application on a form as prescribed by the CAO.

(2) Where an application for an exemption to the provisions of this By-law for construction noise and equipment does not fall within clauses (a), (b), or (c) of subsection 6B(1), the application will be referred to Council.

(3) The CAO shall issue an exemption to the applicant where:

(a) the application set out in subsection (1) is complete;

(b) the reason for the proposed exemption falls within the exemptions listed in clauses (a), (b), or (c) of subsection 6B(1), and;

(c) the applicant agrees to abide by any term or condition imposed by the CAO.

(4) For greater certainty, the CAO shall not issue an exemption unless all the requirements under subsection (3) are met.

(5) Upon granting an exemption, the CAO shall notify the applicant in writing and such notice shall:

(a) specify the dates and hours of the day the exemption will be in effect; and

(b) include such terms and conditions the CAO deems appropriate.

6D. The CAO may delegate the authority under sections 6B and 6C to the staff that oversees the noise exemption application process.

6E. (1) An applicant with an exemption granted under section 6C, shall hand deliver written notice a minimum of 48 hours prior to commencing the work, to all property owners and businesses located

(a) within 30 metres of the property on which the work is to be carried out, or

(b) within a distance greater than 30 metres of the property on which the work is to be carried out, as the CAO determines is appropriate.

(2) In addition to the written notice under subsection (1), the applicant shall also provide notice in the form of a sign onsite and a website that includes an email contact or social media link in a prominent location that residents can access for details of the noise exemption.

(3) The notice shall include the reason for the exemption, the duration of the approved exemption and a method of contact for further questions.

5. amending Part 3 of Schedule A by:

(i) adding the words "equipment or rock breaking" after the word "construction" and before the word "equipment" in item 2; and

(iv) adding the following item and letter immediately after item 12:

13. Rock breaking E

6. amending the "PROHIBITED TIMES" in the Schedule a by adding the following immediately after item "D":

E - On a Monday, Tuesday, Wednesday, Thursday, or Friday until eight o'clock in the a.m. (8:00 a.m.) and after six o'clock in the afternoon (6:00 p.m.). All Day Saturday, Sunday, Statutory and Civic Holidays and Remembrance Day.

7. This By-law shall come into force 90 days after its adoption.

Done and passed by Council this day of , 2022.

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 , 2022.

Iain MacLean, Municipal Clerk

Attachment C Municipal Notification Requirements Related to Construction Noise

Table 1 Summary of Notification and Communication for Construction Activities

Construction Activity	Notification Area	Audience	Form of Communication
<i>Noise Exemption (N-200)</i>	<p>minimum 100 ft 30.5 m for Council approved exemptions (repeated civic events)</p> <p>minimum 30 m for proposed new staff exemption for construction related noise</p>	property owners & businesses	<ul style="list-style-type: none"> • hand delivered notice 48 hours prior to work • sign • social media link
<i>Rock Breaking</i>	no requirement	N/A	N/A
<i>Blasting Related Noise (B-600)</i>	minimum 300 m or more based on “affected community”	<p>property owner or business within the “Affected Community”.</p> <p>may include school, hospital, or other health care facility within the affected area</p>	<ul style="list-style-type: none"> • hand delivered notice 4 days prior to work • Public information meeting may be requested
<i>Work in the Right of Way (S-300, TCM Supplement, AO 2018-005-AD)</i>	no specified minimum distance, depends on area of disruption	affected property owners and/or businesses	<ul style="list-style-type: none"> • hand delivered notice 5 days prior to work • public information statement may be issued by the Municipality • ads through a local news outlet may be required
<i>General Construction (AO 2018-005-AD)</i>	no specified minimum distance, depends on area of disruption	affected property owners and/or businesses	<ul style="list-style-type: none"> • a sign on site at least 10 days before construction begins • project specific engagement • a hand delivered letter to all property owners or businesses within the affected area at least 5 business days in advance of street closures or utility disruptions • PSA or advertisements may be required

Attachment D Noise Levels and Human Response

(Source: Source: US Nuclear Regulatory Commission (USNRC). *Biological Assessment Preparation Advanced Training Manual Version 02-2012; Construction Noise Impact Assessment.* <https://www.nrc.gov/docs/ML1225/ML12250A723.pdf>. Accessed Dec. 21, 2021)

Common sounds	Noise Level (dB)	Effect
Rocket launching pad (no ear protection)	180	Irreversible hearing loss
Carrier deck jet operation Air raid siren	140	Painfully loud
Thunderclap	130	
Jet takeoff (200 ft) Auto horn (3 ft)	120	Maximum vocal effort
Pile driver Rock concert	110	Extremely loud
Garbage truck Firecrackers	100	Very loud
Heavy truck (50 ft) City traffic	90	Very annoying Hearing damage (8 Hrs)
Alarm clock (2 ft) Hair dryer	80	Annoying
Noisy restaurant Freeway traffic Business office	70	Telephone use difficult
Air conditioning unit Conversational speech	60	Intrusive
Light auto traffic (100 ft)	50	Quiet
Living room Bedroom Quiet office	40	
Library Soft whisper (15 ft)	30	Very quiet
Broadcasting studio	20	
	10	Just audible
	0	Hearing begins

See also:

City of Toronto. 2017. How Loud is Too Loud? <https://www.toronto.ca/wp-content/uploads/2017/11/8f98-tph-How-Loud-is-Too-Loud-Health-Impacts-Environmental-Noise.pdf>. Accessed Jan. 10, 2022.

Government of Quebec: The Effects of Environmental Noise on Health; <https://www.quebec.ca/en/health/advice-and-prevention/health-and-environment/the-effects-of-environmental-noise-on-health/noise-measurement>; Accessed Feb. 23, 2022

Noise Pollution Clearing House. <https://www.nonoise.org/>

World Health Organization: Noise Guidelines. <https://www.euro.who.int/en/health-topics/environment-and-health/noise>; Accessed Feb. 23, 2022.