



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

## REVISED

July 12, 2022  
(Recommendation of the July 17, 2022 Report Only)

**Item No. 15.2.1**  
**Halifax Regional Council**  
**July 12, 2022**  
**August 23, 2022**

**TO:** Mayor Savage Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed  
\_\_\_\_\_  
Councillor Trish Purdy, Chair, Community Planning & Economic  
Development Standing Committee

**DATE:** June 17, 2022

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

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### **ORIGIN**

June 16, 2022 meeting of Community Planning & Economic Development Standing Committee, Item 12.1.1.

### **LEGISLATIVE AUTHORITY**

Legislative Authority is outlined in the attached supplemental staff report dated May 20, 2022.

Administrative Order One, Respecting the Procedures of Council, Schedule 3 Community Planning & Economic Development Standing Committee Terms of Reference:

1. (1) The purpose of the Community Planning and Economic Development Standing Committee is to recommend to the Council directions to support Community and Economic life “making HRM the most livable community in which to live, work and play”.

### **RECOMMENDATION**

The Community Planning and Economic Development Standing Committee recommends that Halifax Regional Council **give First Reading to By-law N-207, as set out in Attachment B of the July 16, 2021 staff report, to change the end hours for construction noise hours to 8 p.m., Monday to Friday.**

## **BACKGROUND**

Community Planning and Economic Development Standing Committee received a supplemental staff recommendation report dated May 20, 2022 to consider proposed changes to By-Law N-200 respecting construction-related noise.

For further information refer to the attached supplemental staff report dated May 20, 2022.

## **DISCUSSION**

Community Planning and Economic Development Standing Committee considered the supplemental staff report dated May 20, 2022 and defeated the recommendation to Halifax Regional Council. Standing Committee moved the Alternative 3 as outlined in this report.

## **FINANCIAL IMPLICATIONS**

Financial implications are outlined in the attached supplemental staff report dated May 20, 2022.

## **RISK CONSIDERATION**

Risk consideration is outlined in the attached supplemental staff report dated May 20, 2022.

## **COMMUNITY ENGAGEMENT**

Meetings of the Community Planning and 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 Standing Committee are posted on Halifax.ca.

For further information on Community Engagement refer to the attached supplemental staff report dated May 20, 2022.

## **ENVIRONMENTAL IMPLICATIONS**

Environmental implications are outlined in the supplemental staff report dated May 20, 2022.

## **ALTERNATIVES**

Community Planning and Economic Development Standing Committee moved Alternative 3 from the May 20, 2022 supplemental staff report.

Alternatives are outlined in the attached supplemental staff report dated May 20, 2022.

## **ATTACHMENTS**

Attachment 1 – Supplemental Staff recommendation report dated May 20, 2022.

Attachment 2 – Staff recommendation report dated July 16, 2021.

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Simon Ross-Siegel, Legislative Assistant, Municipal Clerk's Office 902.292.3962

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P.O. Box 1749  
Halifax, Nova Scotia  
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**Attachment 1**  
**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:**

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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

**RECOMMENDATION ON PAGE 2**

- (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 noise<sup>1</sup> 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 health<sup>2</sup> (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<sub>max</sub>) or the highest value of a sound

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<sup>1</sup> 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

<sup>2</sup> 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

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Kasia Tota, Principal Planner, Planning & Development, Community Policy 902-292-3934

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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 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.

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 14<sup>th</sup> day of September, A.D., 1999.

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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<br>(I) is, or<br>(ii) is used in, or<br>(iii) is intended for use in,<br>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- A

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

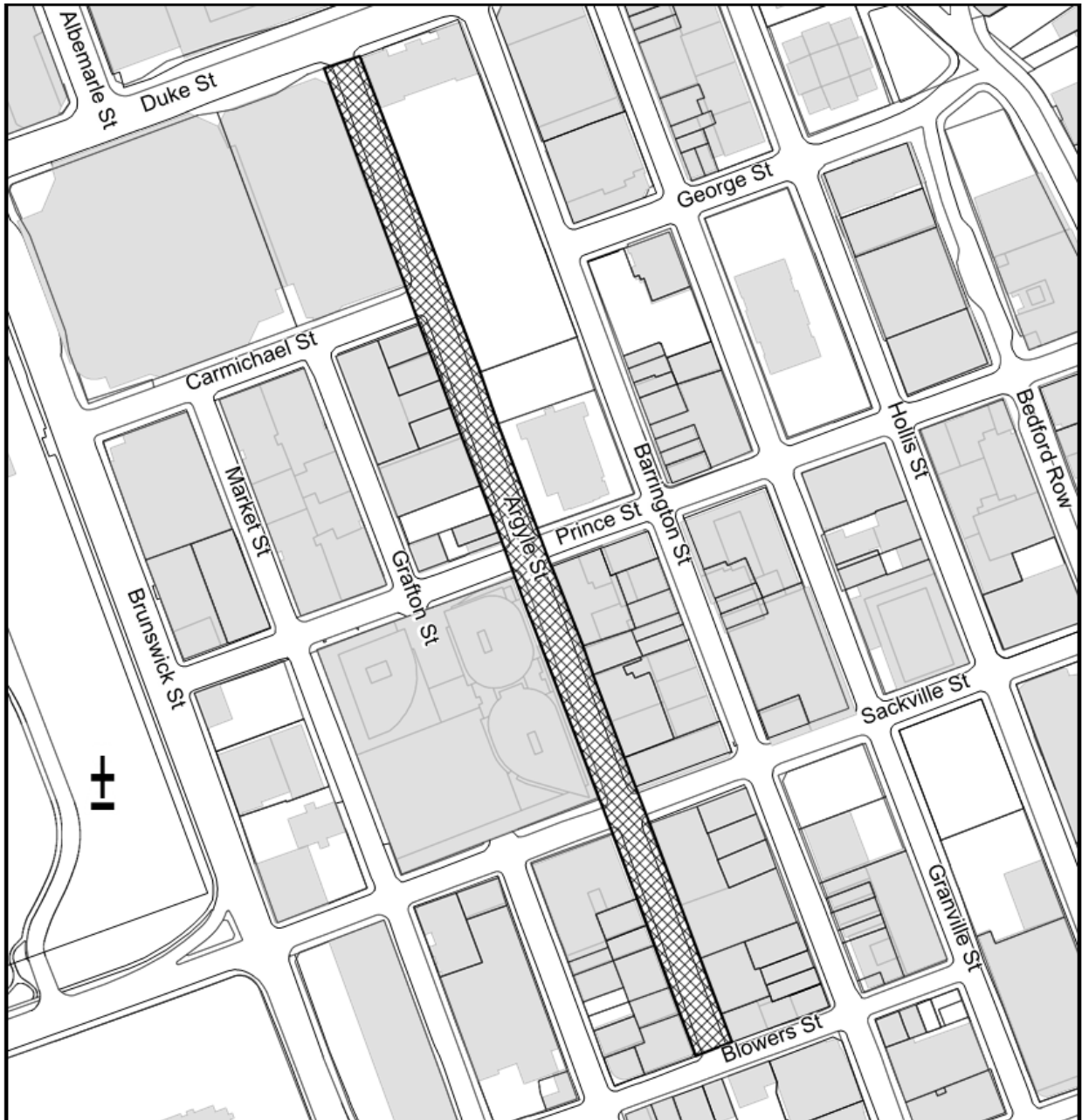
## **Schedule “C”**

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**

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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

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### **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

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### **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

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### **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

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### **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

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**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

<b>Construction Activity</b>	<b>Notification Area</b>	<b>Audience</b>	<b>Form of Communication</b>
<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"> <li>• hand delivered notice 48 hours prior to work</li> <li>• sign</li> <li>• social media link</li> </ul>
<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"> <li>• hand delivered notice 4 days prior to work</li> <li>• Public information meeting may be requested</li> </ul>
<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"> <li>• hand delivered notice 5 days prior to work</li> <li>• public information statement may be issued by the Municipality</li> <li>• ads through a local news outlet may be required</li> </ul>
<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"> <li>• a sign on site at least 10 days before construction begins</li> <li>• project specific engagement</li> <li>• 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</li> <li>• PSA or advertisements may be required</li> </ul>

## 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.



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

**Attachment 2**  
**Community Planning and Economic**  
**Development Standing Committee**  
**September 29, 2021**  
**June 16, 2022**

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

**SUBMITTED BY:** *-Original Signed-*  
\_\_\_\_\_  
Kelly Denty, Executive Director, Planning and Development

*-Original Signed-*  
\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** July 16, 2021

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

**ORIGIN**

On December 14, 2017, the following motion of the Community Planning & Economic Development Standing Committee was put and passed:

*“That the Community Planning & Economic Development Standing Committee request a staff report outlining options for potential changes to By-Law N-200 Respecting Noise to better align prohibited times for construction related noise with reasonable standards when adjacent to residential areas.”*

On January 12, 2021, the following motion of Regional Council was put and passed:

*“That Halifax Regional Council request a staff report on a Permit Process for Temporary Rock Breaking/Crushing for landscaping and site prep work involving rock breaking/crushing on private property. The report is to consider environmental impact of the rock breaking/crushing (air quality/dust mitigation, protection of water bodies, etc.) as well as issues with noise, duration of rock breaking/crushing, and whether a municipal engineer and/or provincial Department of Environment should be engaged to review the proposed project and property for stability, safety, and other factors prior to permitting temporary rock breaking/crushing activity.”*

**RECOMMENDATION ON PAGE 2**

## **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,

(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 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 construction in recent years, with work often occurring in areas adjacent to existing residential developments. With increasing amounts of construction comes increasing noise impacts. The Municipality has received feedback from residents that the noise associated with construction can interfere with the peaceful enjoyment of their property. At the same time, construction is essential to growing communities by way of supplying needed housing or for other uses and the construction provides economic benefits. This report provides an overview of how construction noise is regulated in the Municipality and by other Canadian municipalities. It also includes information on recent construction noise complaints, a summary of public and stakeholder feedback and provides recommendations for Council's consideration to improve the management of construction noise in the Municipality.

### **Current Regulation under N-200 Noise By-law**

The Municipality manages the impacts of construction in several ways, including requiring a Construction Management Plan for certain building permit applications, and Lot Grading By-laws. The *Noise By-law* (N-200) allows all noise-generating activities, including construction-related noise, during the following times (a total of 93.5 hours per week):

- 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 *Noise By-law* restrictions do not apply to projects undertaken by HRM and its contractors and agents, the Provincial and Federal governments, Halifax Water, the Halifax-Dartmouth Bridge Commission, Nova

Scotia Power Corporation, telecommunication companies, and companies that provide natural gas or other gas intended as fuel for the public. With the exception of emergencies, this exemption is conditional on written notification being provided to property owners located within 30 metres of the work site.

While the *Noise By-law* provides for certain exemptions, section 28 of the *Streets By-law* (S-300) gives the Municipal Engineer the authority to set work hours and specify additional restrictions and exemptions for road works when granting a street and services permit. When the Engineer prescribes hours of work through permit condition under the *Streets By-Law*, these hours could be in conflict with certain provisions of the *Noise By-Law* when the work does not fall under the prescribed exemptions listed above.

HRM also regulates blasting under the *Blasting By-law* (B-600). Blasting is defined as the “the handling, preparation and use of explosives” as it relates to construction and excavation. The intent of the by-law is to improve compliance, monitoring and notification to residents. The By-law restricts blasting to certain hours and requires professionals to be involved in blast design and monitoring. Blasting is permitted from 8 a.m. to 6 p.m. Monday to Friday. Exemptions on weekends and holidays may be considered by staff on a case-by-case basis if considered to be in the public’s best interest, but only between 10 a.m. and 6 p.m.

### **Construction Activity**

The Municipality monitors the amount of construction occurring within the municipal service boundary, both in terms of construction type (new or renovation to existing buildings) and value. Map1: Number and Value of Construction Permits in HRM, indicates where construction permits were issued within the service boundary from January 2018 to March 2021. It demonstrates the prevalence of construction in the urban area, particularly on the Halifax Peninsula and in Bedford West.

### **Noise Complaints**

The Municipality tracks complaints that are received through 3-1-1. According to that data, there were 868 noise-related complaints received between January 2017 and September 2020 and of these, 150 were construction-related (17.3%). Early morning site preparation accounted for over one-third of the complaints (61 complaints), followed by complaints about jackhammering and rock breaking (31 complaints), work continuing late into the night (29 complaints) and loud music being played by workers onsite (11 complaints).

### **Jurisdictional Scan**

This section summarizes a jurisdictional scan of other Canadian municipal legislation related to noise and rock breaking.

#### Noise By-laws

A jurisdictional scan of permitted hours for construction noise in eleven Canadian municipal noise by-laws found the following:

- Four municipalities do not permit construction noise on certain days. This includes Gatineau, Toronto, Victoria, and Vancouver which restrict construction entirely on Sundays and holidays;
- The permitted weekday start time is 7 a.m. in all by-laws except for Vancouver, which allows noise to begin at 7:30 a.m.;
- End times for construction noise in the surveyed Ontario and British Columbia municipalities tend to be 6 p.m. or 7 p.m., but Western cities surveyed allow noise to continue as late as 9 p.m. and 10 p.m.
- Eight of the eleven municipalities reviewed have shorter permitted hours for noise on weekends and holidays than on weekdays, mostly with a later start time on Saturdays, Sundays and holidays; and

- Exemptions to the noise by-law are granted by staff in every municipality, typically by someone with oversight of building inspection or by-law enforcement.

#### Rock Breaking By-laws

A jurisdictional scan found several municipal by-laws governing rock breaking, all from British Columbia. These also cover blasting, but some differentiate between blasting and other forms of rock breaking and soil removal. Each requires a permit to remove or deposit rock. The permit application must include plans for erosion control, water protection and drainage, and dust control. In each by-law the permit application is submitted to and approved by municipal staff. Blasting or rock breaking is not generally permitted after dark, with Monday to Friday between 8 a.m. and 5 p.m. as the most common permitted times.

#### Climate

A review of Environment Canada temperature data shows that Nova Scotia tends to have fewer cold winter days and frost days than other provinces, apart from British Columbia. A longer temperate season allows construction to take place during months where it may not otherwise be able to proceed. This means that, on average, Nova Scotia's construction season faces similar or less constraints than other Canadian jurisdictions reviewed.

Additional detail is included in *Attachment C: Jurisdictional Scan of Noise and Blasting/Rock Breaking By-laws*.

### **DISCUSSION**

Feedback from the online questionnaire and 3-1-1 complaint data suggest that some areas of the Municipality are experiencing construction fatigue, particularly in the Halifax Peninsula, Bedford West and Hammonds Plains areas where there are numerous large-scale projects underway simultaneously. Implementing a later start time and earlier end time for construction and restricting it entirely on Sundays, were the most popular mitigation strategies to come out of the public questionnaire. Overall, there was a strong desire for some further limits to construction-related noise, particularly as more people are now working from home and are exposed to the noise for the entirety of the day.

The desire for further restrictions by some residents must be balanced with the needs of the construction industry to complete projects in a timely and cost-effective manner. Fewer hours available each week would extend the overall duration of construction projects and increase their cost. Some construction noise is unavoidable in a growing municipality and generally it would be preferable for projects to be completed as quickly as possible, thereby ending the noise. Any changes to hours would also apply to public capital projects, which would potentially face longer timelines and higher costs.

Staff have evaluated a number of potential mitigation options and recommend that Council amend the Noise By-law to balance concerns of residents and businesses with the needs of the construction industry. Proposed amendments to the Noise By-law include:

- limiting hours when rock breaking is permitted;
- instituting an earlier end time for construction-related noise on weekdays; and
- streamlining the exemption process.

#### **Rock Breaking**

Rock breaking and jackhammering were noted as particularly intrusive types of noise, both in the online questionnaire and complaints received through 3-1-1. 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. Blasting is one method used to break rocks and, as noted in the Background section,



HRM has established a separate By-law (B-600 Respecting Blasting) to control explosive methods of rock breaking and excavation.

### Environmental Impacts

HRM has implemented environmental controls in a number of by-laws and administrative orders (AO) as outlined below:

- Construction Site Management AO (2018-005-ADM) - includes stormwater management & runoff pollution controls, sediment and erosion control plan, emission controls, construction site protection such as hoarding, fence panels, and dust pollution control;
- Trees By-law (T-600) – requires a mitigation plan for any change in grade or alteration to a drainage pattern that may interfere with access to water, air or other nutrients by public trees;
- Grade Alteration By-law (G-200) – requires a stormwater management report showing the final grading of land for a property subject to a Grade Alteration Permit, prepared in accordance with the Halifax Stormwater Management Standards and includes stormwater management and erosion and sedimentation control features; and
- Lot Grading By-law (L-400) – requires a lot grading plan and storm drainage system plan.

In each of these cases, Engineering staff review and approve the submitted documentation before issuing permits. Given these existing municipal controls, staff advise that the environmental impacts of rock breaking are already managed and that there is not a need to consider new municipal regulations at this time.

### Noise

While there are a number of regulations that manage the environmental impacts of rock breaking, with respect to noise, the Construction Site Management Administrative Order (2018-005-ADM) stipulates that construction sites must adhere to the N-200 *Noise By-law*. However, applying the same permitted times as the *Blasting By-law* to all methods of rock breaking would lessen noise experienced by residents, and follow practices of other municipalities with blasting and rock breaking by-laws. This would reduce available hours for rock breaking from the current 93.5 hours per week, to 50 hours per week, but would provide relief from the noise and vibrations for residents during evenings and weekends. Therefore, staff recommend that By-law N-200 be amended to remove rock breaking from the “construction” definition and include a new definition of rock breaking and set permitted times of Monday to Friday, 8 a.m. to 6 p.m. to rock breaking. Rock breaking is proposed to be defined 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.” Exemptions to these hours could be considered under the current exemption process with Council approval, or the streamlined staff-approval process proposed below.

### **Construction Noise Hours**

Given the increased level of construction activity in the Municipality and the relatively high number of complaints and questionnaire responses, it is clear that construction noise is an important public issue that is perhaps exacerbated by more people working from home during the COVID-19 pandemic. Restricting hours was the most popular proposed mitigation strategy by questionnaire respondents. Staff evaluated several options for amending construction noise hours based on impact on residents, enabling the construction industry to do their work, as well homeowners conducting regular home repairs. While the Noise By-law can be used to enforce a start time for work itself, HRM by-laws cannot prevent people from coming onto their properties or places of employment (i.e., construction sites) before 7 a.m. A 7 a.m. start time is common across Canada and appears to be an industry norm and changing it could significantly impact employee schedules and project timelines. Staff do not recommend adjusting the construction noise start time.

A number of questionnaire responses were in favour of limiting construction on weekends and holidays. A small number of municipalities in the jurisdictional scan do not permit construction on Sundays or holidays (Victoria, Vancouver, Toronto, Gatineau). However, preventing construction on weekends and/or holidays would represent a significant reduction in the hours available to complete projects. It would also restrict individual property owners undertaking renovation and maintenance work, with weekends being the most common time for such work to take place. Construction noise on weekends and holidays already has later start times and earlier end times than on weekdays, and staff do not recommend further restrictions.

As an alternative to other options considered, staff recommend instituting an earlier end time to construction during the week. An earlier evening end time for construction on weekdays is in place in several municipalities in Ontario and British Columbia. London, Ontario ends construction at 6 p.m., Toronto and Victoria at 7 p.m., and Ottawa and Vancouver at 8 p.m. Applying an end time of 8 p.m. on weekdays would reduce construction noise by 7.5 hours per week.

An earlier end time on weekdays received the highest percentage of support (64.1%) from all potential changes proposed on any day of the week in the questionnaire. An earlier end time would help address the numerous concerns questionnaire respondents raised about early bedtimes, shift work and enjoyment of their properties during typical leisure hours. Large construction sites often shut down by late afternoon, meaning an earlier end time may correspond with project schedules and have less impact on projects than other changes to hours. Therefore, staff recommend that the Noise By-law be amended to limit construction noise after 8 p.m. on weekdays. This recommendation is contingent on also implementing a more streamlined noise exemption process, as outlined in the next section.

### **Streamlined Exemption Approvals**

Limiting available evening hours for construction, as recommended above, could impact some stages of project completion that may require extended hours (e.g. concrete pouring and finishing). Council can approve exemptions to the Noise By-law, and currently delegates responsibility for some of those approvals to staff. The jurisdictional scan showed that almost all other municipalities surveyed enable staff to approve Noise By-law exemptions. In 2019, as part of the Joint Project for Regulatory Modernization, Council amended the Noise By-law to allow staff to grant additional exemptions for events and similar activities, and at that time staff advised that the revised process would shorten noise exemption turn around from 6 weeks to 2 weeks.

Requiring exemption requests to go to Council adds several weeks to the timeline of a construction project and adds internal review processes to prepare reports and follow multiple internal business processes for approvals. Allowing staff to consider exemptions would streamline the exemption approval process so it is faster and more responsive to the needs of construction project timelines and internal red-tape reduction efforts.

Staff have discussed the *Noise By-law* exemption process with construction industry stakeholders to better understand their needs. A more streamlined exemption process is generally supported in recognition of the fast-paced nature of construction and need for longer hours for certain construction activities, such as concrete pouring and finishing. Limiting the duration of exemptions will also provide residents with greater certainty about when noise beyond regular hours will occur and may reduce complaints. Exemptions could be considered for specific aspects or stages of construction projects that require continuous work, beyond that of the permitted noise hours. Staff have identified the following criteria for *Noise By-law* exemptions:

- 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.

The proposed exemption process would allow staff to consider exemptions in these three instances, set the duration, terms and conditions for any exemption, and require the developer or project proponent to communicate the dates and reason for the exemption to residents. Proposed notification requirements include hand-delivered written notice to properties within 30 metres of the site, a sign on-site and a website that includes an e-mail contact or social media link in a prominent location that residents can access for details about the noise exemption. As is the case with current staff-approved exemptions, applications would be handled by the Buildings and Compliance division of Planning and Development, and approvals would be coordinated with building permit reviews. As noted above, while emergency works and public projects are already exempt from the hours prescribed in the *Noise By-law*, HRM contracts typically point to the general *Noise By-law* hours and may be impacted unless the Municipal Engineer directs the holder of the streets and services permit to work hours that are outside the permitted hours in the *Noise By-law*.

To eliminate this inconsistency between the *Streets By-law* and the *Noise By-law*, staff propose to add companies directed to work hours outside what is permitted under the *Noise By-law* through a Streets and Services permit to an enumerated party and added to the list of parties exempt in clause 4(2)(c) of the *Noise By-law*.

Staff recommend that the *Noise By-law* be amended to allow for staff approvals of certain exemptions, as outlined above. It is recommended this change take effect three months from the date of Council approval, to provide staff adequate time to develop application forms and process to assess requests and to give notice to industry. The proposed exemption process will streamline administrative processes, support customer service and help balance the need for updated noise regulation with the needs of construction businesses.

### **Regulatory Impact Assessment**

A Regulatory Impact Assessment was completed on the proposed changes to the Noise By-law, as part of Council's Regulatory Modernization Administrative Order (AO 2017-002-ADM). This Assessment is to be used when developing or amending by-laws, to ensure that they respond to public well-being in an efficient way and do not create unnecessary administrative burdens. The Assessment for changes to the Noise By-law found that reduced hours of construction will have some impacts on project cost and timelines, but they are partially mitigated by the streamlined exemption process.

The Assessment also recognized that there has been growing demand for HRM to take steps to limit the amount of construction-related noise residents and businesses experience. As the number of construction projects increase, this demand will likely continue. Limiting hours, particularly during evening hours, would improve customer service for the public, while a faster approval for exemptions could benefit construction project timelines. Thus, the recommended approach aims to improve customer service to industry as well as residents.

A Business Impact Analysis, described under "Financial Implications" below, provides more details on the quantifiable impacts to industry.

### **Industry Liaison**

As outlined above, the Municipality receives noise complaints related to construction with a response time of a few days. By-law enforcement officers are available during regular business hours and noise complaints coming in after hours go to 3-1-1, which are then followed up by an officer. The non-emergency police line may also be called to request a police officer to attend a noise complaint in real time, though police prioritize these calls with other responsibilities and may not arrive immediately.

Greater enforcement and a faster complaint process were suggested as common mitigation strategies in the questionnaire. Changes to enforcement are not governed by the *Noise By-law*. Changes such as after-hours availability for enforcement officers could be considered, though would require more staff resources

and have budgetary implications. Staff are continually assessing ways to improve enforcement using a cost-benefit lens rather than additional regulations. Any recommendations to increase enforcement may come to Council through the annual budget process.

The Core Principles of the Charter of Governing Principles for Regulation (Administrative Order (2017-002-ADM) state that while regulation is an effective public policy instrument when it's designed to achieve measurable outcomes, government should favour non-regulatory options such as education, voluntary compliance, partnerships, and incentives whenever feasible before defaulting to regulation. Over the past three years, staff have established a regular forum with construction industry stakeholders, including CANS, NSRBA, and NSHBA to discuss any issues that arise. These associations are often able to communicate directly with their members to resolve issues more quickly than HRM's complaint process. The construction-related noise complaints have decreased noticeably since the forum started to meet regularly, although construction noise continues to be an issue of concern for the public. Building on this regular forum with construction industry stakeholders, staff is committed to continued collaboration to support implementation, compliance, and to monitor the impact of the regulations.

### **Conclusion**

While construction noise has an impact on quality of life for residents, it is also an unavoidable issue in a growing municipality. Instituting an earlier end time of construction hours on weekdays (8:00 pm vs. 9:30 pm) will help address some of the concerns that residents have raised and allow them some respite from construction noise in the evenings. In addition, limiting the hours when rock breaking is permitted to weekdays during daylight hours will also help address some of the more intrusive noise residents experience. While the proposed reduction will have an impact on the construction industry and may extend some projects, negative impacts can be partially mitigated by concurrently streamlining the noise exemption process for specific situations.

Delegating certain noise exemption approvals to staff will assist the construction industry by reducing the processes involved in taking exemption requests to Council. Achieving exemption approvals more quickly can contribute to shorter project timelines and can help address critical logistical or safety issues. It is important to note that requests that do not meet the criteria of staff approvals will continue to be able to make requests to Council. The proposed housekeeping amendments to the *Noise By-law* that align current practice under the *Streets By-law* clarify exemptions for road works by private contractors. Finally, the existing forum with representatives of HRM and the construction industry can continue to strengthen the relationship between the Municipality and industry, and facilitate resolving issues in a timely manner.

### **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 2021/22 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. This analysis is conducted to provide context on likely impacts to firms.

The proposed amendments to By-law N-200 will impact construction firms in two ways: first, hours permitted for construction and rock breaking will be reduced (notwithstanding requests to CAO to grant exemptions) and the process for exemptions will be greatly expedited with Council approval no longer required.

Staff estimate this will reduce the processing time of exemptions to 2 weeks from 6 weeks, while the BIA analysis suggests that construction firms will bear incremental labour costs of up to 10 per cent due to shifting of labour requirements due to restricted hours relative to the current norm. No new capital costs or operational tools or processes are required for industry to respond to these proposed changes, so there are no one time costs for the industry.

As regulatory and compliance requirements increase, so do costs to business. The BIA analysis assumed that the changes proposed above would result in the lengthening of construction projects of 2 to 4 per cent. These costs will add to variable costs over the life of a project.

While these changes are not expected to hinder development activity, they are likely to dampen efficiency of projects and timelines more than otherwise would be the case. Some of this will be mitigated by the proposed exemption process.

### **RISK CONSIDERATION**

There are no significant risks to the Municipality associated with the recommendations in this report. The introduction of any new or amended 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 including a dedicated website. The inclusion of clear criteria for the exemption process will help ensure that the process is clear, fair and transparent.

Risk associated with reducing construction and rock breaking hours are longer project timelines and higher project costs. A faster exemption process will mitigate these risks to some extent by allowing aspects of project that require continuous work to proceed as needed without delays for exemption approvals or imposing fines for *Noise By-law* infractions.

It is possible that public complaints will increase, as the number of noise exemptions rise. To mitigate this risk, public education on the reason for exemptions and increased communication around the exemption process (e.g. websites and contact details for more information) will create greater certainty around end times and dates for times when extended noise is expected. As well, overall earlier end times for construction and rock breaking will allow residents more peaceful enjoyment of their properties.

### **COMMUNITY ENGAGEMENT**

Staff conducted stakeholder and public consultation to receive feedback on the issue of construction noise and possible mitigation strategies. Stakeholder consultation included Business Improvement Districts (BIDs), downtown business owners, and construction industry associations. This section provides a summary of the process and feedback received.

#### **Stakeholder Consultation**

BIDs and business owners noted that some areas are experiencing construction fatigue, but further restricting hours would make projects take longer to complete, thereby extending the timeline for construction noise. The frequency and duration of street closures related to construction was raised, with more proactive communication between the developer, municipality and business community proposed as

a solution. Noise at construction sites beginning before the permitted 7 a.m. start time was a concern, particularly for hotel guests in downtown Halifax.

The Construction Association of Nova Scotia (CANS) sent a letter to HRM in January 2019 outlining numerous concerns the industry would have with any potential changes to the noise by-law that would restrict current hours (see *Attachment D: Construction Association of Nova Scotia letter, January 2019*). Another letter signed by CANS, the Nova Scotia Roadbuilders Association (NSRBA), the Nova Scotia Homebuilders Association (NSHBA), and the Urban Development Institute that was received in March 2021 reinforced these concerns (*Attachment E: Industry Noise Bylaw Joint Letter March 2021*). Staff also met with these stakeholders to discuss their concerns in more detail. The industry associations have emphasized that restrictions on hours would lead to longer project timelines and higher costs, which would impact both publicly funded projects and private development. The associations also noted that a start time of 7 a.m. means that construction trucks need to arrive on site before morning rush hour to avoid interference with commuters and school related transportation.

Staff continue to meet regularly with CANS to share information and discuss construction related complaints. In these meetings, construction industry stakeholders have indicated that the current process to request exemptions to the Noise By-law does not correspond with their project timelines and processes and creates red-tape for these businesses. Currently Council must approve all requested exemptions, a process that requires a staff report and takes at least six weeks. Generally, construction projects can only confirm the specific dates for actions that require extended hours (e.g. concrete finishing) one to two weeks in advance.

### **Online Questionnaire**

A public questionnaire on construction noise and potential changes to the Noise By-law was open on the Municipality's Shape Your City site from July 22 to August 31, 2020. The questionnaire was promoted through a variety of channels, including construction industry representatives, and was not designed to be statistically representative. The questionnaire received 941 submissions, including 83 from respondents who indicated that they worked in construction or a related industry (8.8%) The questionnaire consisted of 12 questions asking about residents' and businesses' experiences with construction noise, potential changes to the hours when construction could be permitted under the Noise By-law, other measures that might help mitigate construction noise, and demographic information. A full analysis of the results may be found in *Attachment F: Construction Noise Questionnaire Results*.

Only 3.8 % of respondents never experienced construction related noise near their home, while the majority (59.5%) had experienced construction-related noise near their homes more than 10 times in the past five years. Respondents also indicated a high level of concern about construction noise in residential areas, with 83.4% somewhat or very concerned. Questionnaire responses came from a wide range of postal codes, with a concentration in Bedford West (12%), Hammonds Plains (10.5%), and Halifax Peninsula South (9%).

Respondents were asked about their preferences for adjustments to hours when construction noise is permitted on weekdays, Saturdays, Sundays and holidays. There was support for changes to hours on weekdays in particular, with an earlier end time the most popular choice among respondents. However, between 16% and 29% of respondents indicated that no change is needed, and a minority indicated that the permitted noise hours should be extended.

Key themes from questionnaire comments included the following:

- 643 comments were received for the four questions regarding adjustments to construction noise hours, most on construction on Sundays and holidays;
- 220 comments indicated that Sunday should be a day of respite from all construction noise and activity;

- 249 comments indicated that holidays should be free of construction noise; and
- some comments acknowledged the burden this would put on individual property owners making repairs to their own buildings and suggested individual residential properties could be exempt from any restrictions on construction noise.

The questionnaire asked respondents for general comments on construction hours and potential mitigation actions. Major themes include:

- early (before 7 a.m.) work on site is a major nuisance for residents living near construction sites and includes noise from both trucks and workers;
- jackhammering and rock-breaking for extended periods of time were considered highly intrusive; and
- the most common mitigation actions proposed were later start times and earlier end times, stopping early morning site work, restricting noisy activities at all times, and not allowing construction on certain days (e.g., weekends and holidays).

Increased enforcement was raised as an answer to almost every survey question. Currently by-law enforcement officers are only available during 8:00 a.m. – 6:00 a.m., seven days a week, meaning noise complaints that come in after hours are directed to either 3-1-1 for later follow-up, or to police. Questionnaire respondents stated that having by-law enforcement available for extended hours would be an improvement, as they would be able to deal with infractions on the ground, instead of following up several days later. There were also comments related to improved management of construction sites.

## **ENVIRONMENTAL IMPLICATIONS**

No additional concerns were identified beyond those raised in the Discussion section of this report. The primary environmental consideration relates to the impact that construction and rock breaking noise has on residents' peaceful enjoyment of property. The recommendations seek to mitigate the noise impact by placing limits around the hours that construction and rock breaking is permitted and formalizing an issue resolution process to handle complaints more quickly.

## **ALTERNATIVES**

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

1. Direct changes to the proposed amendments to the *Noise By-law* as contained in this report. This may require a supplementary report.
2. Decline to adopt By-law N-207, amending By-law N-200, *Respecting Noise*, as set out in Attachment B to this report. This will cause the By-law to remain in its current form.

## **ATTACHMENTS**

Map 1: Number and Value of Construction Permits in HRM, January 2018 to March 2021

Attachment A: Showing Proposed Changes to By-law N-200 Respecting Noise  
Attachment B: By-law N-207, amending By-law N-200  
Attachment C: Jurisdictional Scan of Noise and Blasting/Rock Breaking By-laws  
Attachment D: Construction Association of Nova Scotia letter, January 2019  
Attachment E: Industry Noise By-law Joint Letter March 2021

Attachment F: Construction Noise Questionnaire Results

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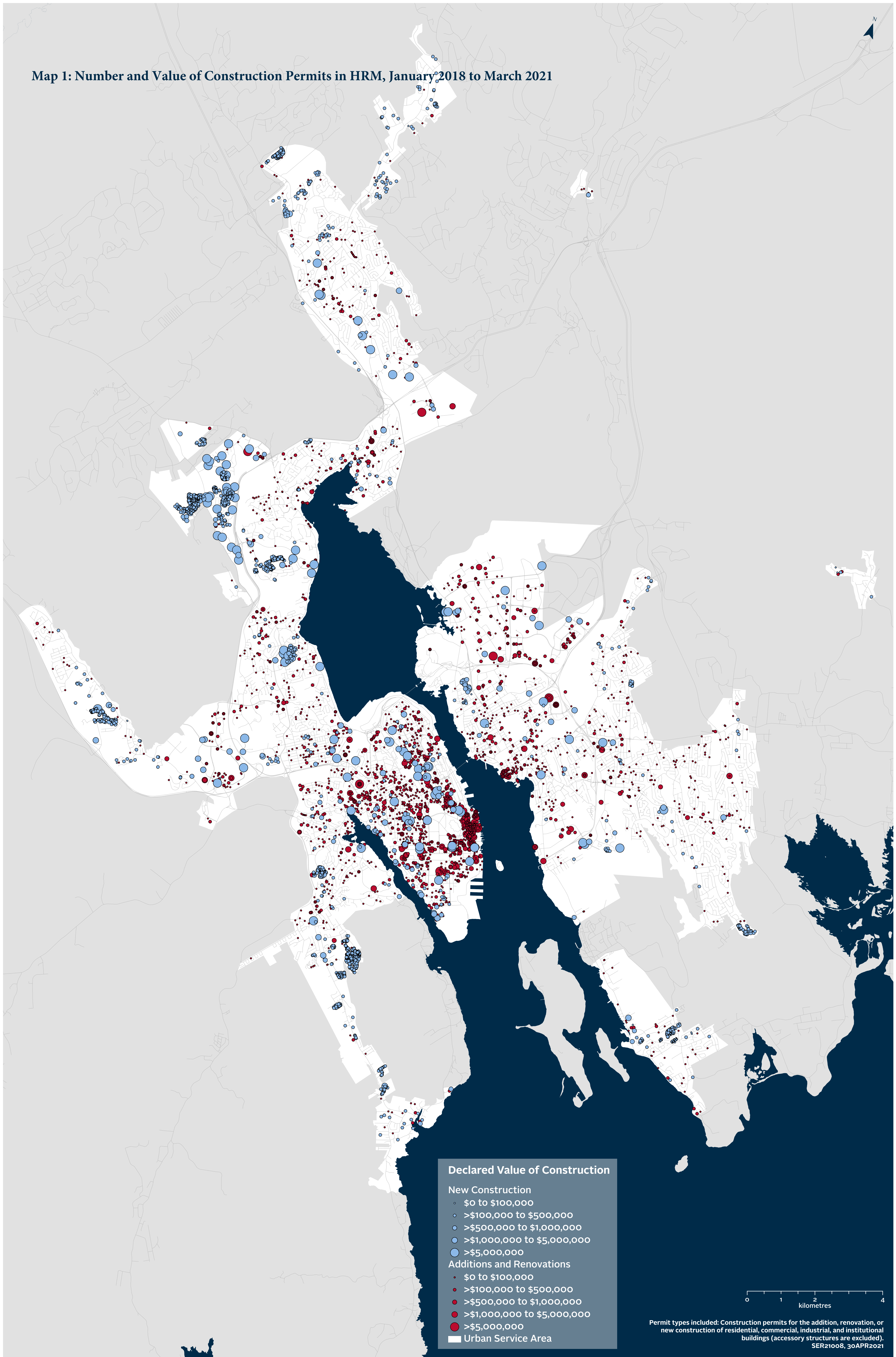
A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

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Map 1: Number and Value of Construction Permits in HRM, January 2018 to March 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 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 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.

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 within 30 metres of the property on which the work is to be carried out.

(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 14<sup>th</sup> day of September, A.D., 1999.

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Mayor

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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.

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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<br>(I) is, or<br>(ii) is used in, or<br>(iii) is intended for use in,<br>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;   | <del>A</del> E |
| 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;   | <del>A</del> E |
| 12. | The operation of any powered rail car including by not limited to refrigeration cars, locomotives or self-   | A              |

propelled passenger cars, while stationery on property not owned or controlled by a railway governed by the Canada Railway Act.

13. Rock breaking

F

**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 seven o'clock in the a.m. (7:00 a.m.) and after eight o'clock in the afternoon (8:00 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.).
- F - 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



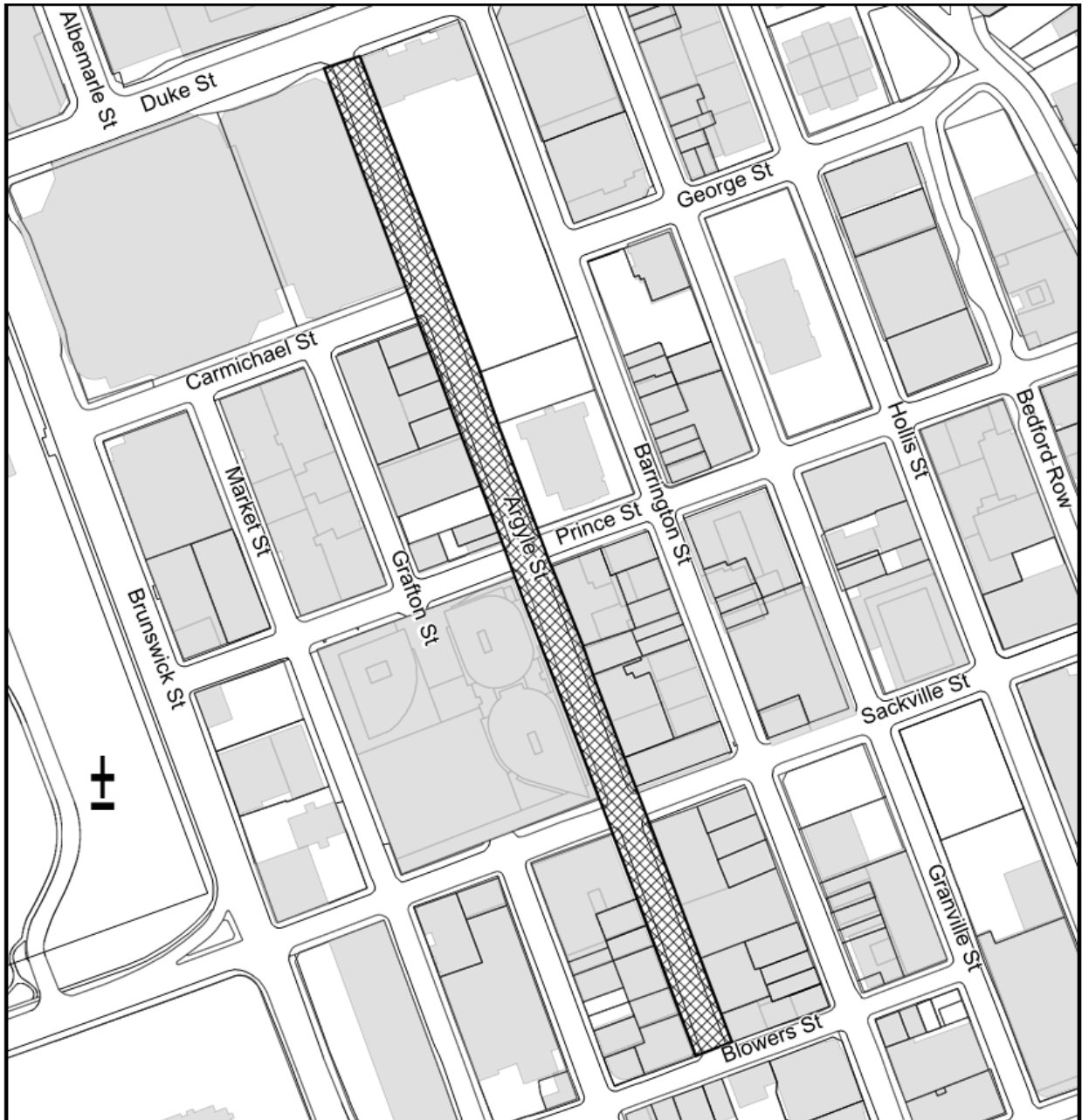
## **Schedule “C”**

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**

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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

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**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

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**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

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**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

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**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

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**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

**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 within 30 metres of the property on which the work is to be carried out.

(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;

- (ii) striking out the capital letter "A" and replacing it with the capital letter "E" in the second column at the end of item 8;
- (iii) striking out the capital letter "A" and replacing it with the capital letter "E" in the second column at the end of item 11; and
- (iv) adding the following item and letter immediately after item 12:

13. Rock breaking F

- 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 seven o'clock in the a.m. (7:00 a.m.) and after eight o'clock in the afternoon (8:00 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.).

F - 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      , 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

**Attachment C: Jurisdictional Scan: Municipal Construction Noise By-laws**

<b>Municipality</b>	<b>Weekday Hours</b>	<b>Saturday Hours</b>	<b>Sunday Hours</b>	<b>Holiday Hours</b>	<b>Exemption Authority</b>	<b>Notes</b>
<b>HRM</b>	7AM to 9:30PM	8AM to 7PM	9AM to 7PM	9AM to 7PM	Council can grant exemption for up to 6 months. CAO can delegate approval to staff if a similar request has been approved by Council previously	
<b>Moncton</b>	7AM to 11PM	7AM to 11PM	7AM to 11PM	7AM to 11PM	Council may grant exemptions if application is made 30 or more days prior to the event	
<b>Saint John</b>	7AM to 9PM	7AM to 9PM	7AM to 9PM	7AM to 9PM	N/A	
<b>Gatineau</b>	7AM to 9PM	7AM to 9PM	Not permitted	Not permitted	N/A	Applies to construction sites within 150m of accommodation building
<b>Hamilton</b>	7AM to 10PM	7AM to 10PM	7AM to 10PM	7AM to 10PM	Director of Bylaw Enforcement approves exemption applications	
<b>London</b>	7AM to 6PM	7AM to 6PM	9AM to 6PM	9AM to 6PM	Manager of Bylaw Enforcement can grant temporary exemption	
<b>Ottawa</b>	7AM to 8PM	9AM to 7PM	9AM to 7PM	9AM to 7PM	The Manager of By-law & Regulatory Services is delegated the authority to grant an exemption for construction equipment	These are the hours for demolition and construction of buildings in established residential neighbourhoods. Other hours apply to commercial areas
<b>Toronto</b>	7AM to 7PM	9AM to 7PM	Not permitted	Not permitted	Executive Director of Municipal Licensing can issue an exemption permit for up to 3 months.	



<b>Winnipeg</b>	7AM to 9PM	9AM to 9PM	9AM to 9PM	9AM to 9PM	Designated employee (CAO or delegate) can issue permit for "extended period of time"	
<b>Edmonton</b>	7AM to 9PM	7AM to 9PM	9AM to 7PM	9AM to 7PM	City Manager may issue permits allowing the production of certain sounds on whatever conditions the City Manager deems appropriate	
<b>Calgary</b>	7AM to 10PM	7AM to 10PM	9AM to 10PM	9AM to 10PM	Chief Bylaw Enforcement Officer can grant exemptions	
<b>Victoria</b>	7AM to 7PM	10AM to 7PM	Not permitted	Not permitted	Chief Building Inspector can provide exemption for construction uses.	
<b>Vancouver</b>	7:30AM to 8PM	10AM to 8PM	Not permitted	Not permitted	Chief License Inspector can grant an exemption to construction hours for up to 180 days	

**Jurisdictional Scan: Municipal Blasting/Rock Breaking By-laws**

<b>Municipality</b>	<b>Approvals Required</b>	<b>Days/Hours</b>	<b>Notice</b>	<b>Dust/Air Quality</b>	<b>Water Protection</b>	<b>Other</b>
<b>West Vancouver</b>	<p>Permit required to remove or deposit soil, including rock breaking. Separate from blasting permit.</p> <p>Permit valid for 12 months.</p> <p>Plan for rock removal with</p>		<p>Must give notice to all occupants of buildings within 120M of site. Required at least 48 hours prior, or 1 week prior if work to last more than 2 days.</p>	<p>No dust or dirt nuisance affecting any neighbouring property, highway, or right-of-way permitted during soil removal or deposit.</p>	<p>Permit application must include proposed methods of erosion control and drainage control.</p> <p>Surface water shall not be allowed to pool anywhere within the work site. A settling</p>	

	measures to prevent damage is part of application. Council approves the permit.				pool may be established for the duration of the operation.	
<b>Chilliwack</b>	Permits required if blasting and rock breaking is less than 20M from modern buildings, and less than 30M from historic buildings, hospitals & schools.  Authority to Blast under a Permit expires fourteen (14) days after the date of issuance of the Permit  Application requires a report detailing how drill rigs and compressors are to be muffled.	Blasting permitted Monday to Friday, 8 a.m. to 5 p.m.  (Blasting means use of explosives to break rock or other material)	48 hours' notice required before the commencement of any Blasting, and one week's notice of any Blasting expected to continue for more than two days			No person may drill rock with a pneumatic drill. Drilling rock with a hydraulic drill is permitted.  Peak particle velocity limits set for ground vibrations around different types of buildings.
<b>Salt Spring Island</b>	Removal of over 40 cubic metres of soil, rock or topsoil requires registration with the municipality.	Drilling, blasting and rock breaking is permitted Monday to Friday, 8 a.m. to 5 p.m. Noise impacts on neighbouring land	12 hours advance written notice needed to buildings within 300 metres of the site of the rock	Dirt, dust and smoke must be controlled so as to prevent a private or public nuisance affecting any neighbouring	Water runoff and erosion will be controlled to ensure that natural watercourses, ground water aquifers and	Damage Prevention: No soil or rock removal will encroach upon, undermine, or physically damage any

	<p>Permit required for:</p> <ul style="list-style-type: none"> <li>-the removal or deposit of a volume of topsoil exceeding 100 m<sup>3</sup>;</li> <li>-the removal of a volume of rock exceeding 100 m<sup>3</sup>;</li> <li>-the deposit of a volume of rock exceeding 1000m<sup>3</sup></li> </ul>	uses shall be minimized.	breaking or blasting.	property, highway or right-of-way.	facilities draining the deposit or removal area are kept free of silt, clay, sand, rubble, debris, gravel and all other contaminants	adjacent or nearby lot, building, structure, highway, park, trail, or green space;
<b>Prince George</b>	<p>Short or Long Term permits required:</p> <ul style="list-style-type: none"> <li>- Short term permit for parcels over 1 ha and where total amount of soil is less than 25,000 m<sup>3</sup>. Valid for 36 months.</li> <li>- Long term permit required for lands where soil removal takes place in multiple stages. Valid until the completion date authorized by the permit</li> </ul>	<p>Removal or Deposit Operations to be conducted only Monday to Friday, 8:00 a.m. to 7:00 p.m.; and Saturday, Sunday and statutory holidays, 9:00 a.m. to 5:00 p.m.</p> <p>Screener or Crusher to operate only Monday to Friday, 8:00 a.m. to 5:00 p.m.; and Saturday, Sunday and statutory holidays, 9:00 a.m. to 5:00 p.m.</p>		<p>Must ensure dust does not escape the site in a way that causes of injury or damage to human health, plant or animal life, or unreasonably interfere with the enjoyment of life or property</p> <p>Suggested dust control practices, including screening, continuous application of dust suppressant, and measures for truck access &amp; loading.</p>	<p>Removal or Deposit Operations shall not directly or indirectly result in the sedimentation or disturbance of a Watercourse.</p> <p>All surface run off on the land shall drain to facilities on that land in a manner that limits erosion, traps sediment and encourages groundwater infiltration.</p>	<p>Screener or crusher must be surrounded by a berm to effectively reduce noise, &amp; be 200M away from any residential, rural residential or institutional purpose.</p>

<b>Sechelt</b>	Permit required for all blasting. Valid for 14 days.	Monday to Saturday (not including holidays) during hours permitted by Director. At no time will the hours exceed those permitted in the Noise bylaw (7 a.m. to 9 p.m.)	48 hours' advance notice, to those within an area prescribed by the Director. One (1) weeks' required for blasting continuing more than two days			
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See also: Loeb, Jeff, and Tannant, Dwayne. (2014). *Urban Construction Blasting in Canada - Complaints and Associated Municipal Bylaws*. University of British Columbia School of Engineering. Retrieved from <https://www.hrpub.org/download/20131215/CEA1-14801317.pdf>

This paper reviews all the available bylaws related to blasting in BC, and provides a generic draft bylaw provided for municipalities to consider adopting. Only 24 of 157 BC municipalities have blasting bylaws. West Vancouver and Sechelt are described as the most rigorous. The paper also touches on blasting bylaws in Ontario, mainly noting the confusion over jurisdictional responsibility between municipal and provincial governments (no Ontario bylaws are reviewed). The paper references Halifax's blasting bylaw as a best practice and uses it as a template for the generic draft bylaw provided.

January 22, 2019

Tanya Phillips  
Program Manager, By-law Standards  
Planning & Development | Buildings & Compliance  
PO BOX 1749  
Halifax, NS B3J 3A5

Dear Tanya,

We have recently learned that HRM is contemplating a review of the Noise Bylaw, N200. It is our understanding that part of the proposed review may include changes to hours during which construction is permitted.

While we recognize that all citizens of HRM have the right to expect peaceful enjoyment of their homes, property, etc., any proposed modifications must take into account the very real business, environmental, climatic and geographic realities in which the non-residential construction industry operates. Nova Scotia has one of the shortest construction seasons in North America, largely due to our geography and weather conditions. As such, it is imperative that our constructors be able to take full advantage of as much of the already short construction season as possible. A 7:00 AM start is very common, and in fact is a standard in the industry across most of North America, even jurisdictions with significantly longer construction seasons. Here are a few examples:

Windsor, ON	<u>Start:</u> 7:00 am	<u>End:</u> 10:00 pm
Moncton, NB	<u>Start:</u> 7:00 am	<u>End:</u> 11:00 pm
Saint John, NB	<u>Start:</u> 7:00 am	<u>End:</u> 9:00 pm
Edmonton, AB	<u>Start:</u> 7:00 am	<u>End:</u> 10:00 pm
Windsor, NS	<u>Start:</u> 7:00 am	<u>End:</u> 10:00 pm
Toronto, ON	<u>Start:</u> 7:00 am	<u>End:</u> 7:00 pm

Moving start times has a significant and negative impact on the industry and our communities:

Costs of doing business, and therefore costs to tax payers, will undoubtedly increase (i.e., more labour, longer project timelines.)

Safety – most sites are fully staffed (i.e., equipment on site) before 7:00 AM, reducing the movement in key rush hour traffic hours, school transports and so on.

Daytime disruptions in traffic flow will be increased due to movement of goods, supplies, setup, etc. Labour retention issues will increase with shorter days (i.e., competitive salaries).

Shorter workdays will lead to longer project completion schedules meaning sites and neighboring complexes will be impacted for longer periods of time.

Most constructors are extremely respectful of bylaws, safety and the impact of their work on the community. The 10,000+ workers who are proud to build our city are also homeowners, mothers and fathers who take their responsibilities very seriously. However, there are some realities that go with construction, no matter how much we mitigate against their impacts. A shortened day will offset the careful and diligent planning that occurs to diminish the realities of construction on traffic, public safety, and noise. It will negatively impact the livelihood of the hard-working men and women who build our schools, roads, office towers, etc. It will also impact their employers in a negative manner.

To this point, we have not been consulted nor furnished with any quantitative data that articulates the scope of the problem that this bylaw amendment would supposedly solve. There may be room for improvement that could be suggested by the industry that would be more reasonable and responsible, once we have the opportunity to fully understand the issues. For example, a simple communication issued jointly by our respective associations and HRM reminding our members of current requirements, would likely be very effective in addressing any issues that may exist.

We would welcome the opportunity to meet with you and any members of HRM council that have heard from residents or described the problem. As we are sure you are aware, the construction industry is built on innovation and solution building. We certainly are willing to be part of a logical solution that is balanced and fair to all parties, wherever possible.

Sincerely,



Duncan P. Williams  
President


cc:      Councillor Steve Streach      Councillor David Hendsbee      Councillor Bill Karsten  
         Councillor Lorelei Nicholl      Councillor Sam Austin      Councillor Tony Mancini  
         Councillor Waye Mayson      Councillor Lindell Smith      Councillor Shawn Cleary  
         Councillor Russell Walker      Councillor Steve Adams      Councillor Richard Zurawski  
         Councillor Matt Whittman      Councillor Lisa Blackburn      Councillor Steve Craig  
         Councillor Tim Outhit      Mayor Mike Savage

Kelly Denty  
Director, Planning and Development  
Halifax Regional Municipality  
P.O. Box 1749,  
Halifax, N.S.  
B3J 3A5

March 30, 2021

Via email: dentyk@halifax.ca

**Re: Proposed Amendments to the HRM Noise Bylaw (N-200)**

Dear Kelly: 

The undersigned write to express our concerns with current discussions within HRM around the Noise Bylaw. Staff has been tasked to do yet another report. This issue has arisen every few years over the past several. During the past discussions it has been resolved with the status quo being upheld. That is exactly where Industry, as represented by the signees below, would like it to stay. As has been confirmed by staff in past iterations as well as current efforts, our standards in HRM are completely in line with other Canadian jurisdictions, i.e. the status quo we are asking for is the norm not an exception. Everyone seems to want to promote growth within HRM, but do not want to acknowledge that growth requires some noise to occur.

Our primary concern is around possible reduction in working hours allowed. As you are well-aware, we have a very short construction season and any reduction in working hours will be very detrimental. For example, road building activities will increase the cost to HRM by an estimated minimum 10% for every hour of reduction. This same percentage applies as well to rock breaking which is also part of this review. HRM taxpayers will get less work completed per year and pay noticeably more for it. *Another very serious outcome of reduced hours is how it will exacerbate HRM citizen complaints, not reduce them.* There will still be noise and inconveniences around issues such as traffic delays, but now they will last longer as it will take longer to complete the projects. Reducing hours is a lose/lose for HRM citizens.

We are all working to provide high-quality, affordable housing, development and projects for all. The implementation of any by-law, which would reduce the number of working hours, and extend the timeline for a project, will increase cost for no added benefit.

We have asked numerous times for data as to how big a problem this really is and have not been provided with any concrete results. Is this many complaints or very few? Our understanding is the latter has been the norm.

On the plus side we understand there are discussions around improving the exemption process. An example we often mention is concrete pours which by their nature must continue until

completed, regardless of whether they go over allowed working hours. These should be handled by staff, not council, and in a very time sensitive manner. This would do away with unnecessary interaction with HRP, By-Law staff, etc.

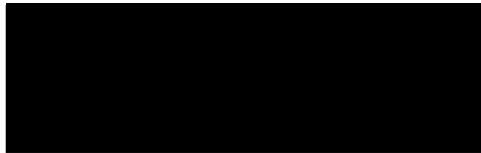
As always, we are available individually or as a group, to answer any questions you may have, or to address any concerns.

We look forward to your consideration of the above and your response.

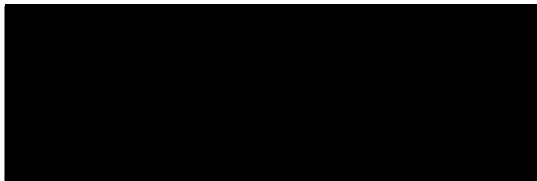
Respectfully submitted,



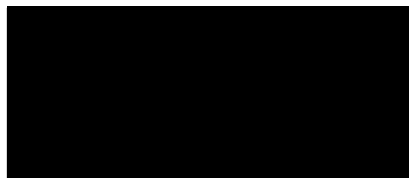
Grant Feltmate, Executive Director  
Nova Scotia Road Builders Association



Crystal Ingram, Executive Assistant  
Canadian Home Builders' Association – Nova Scotia



Duncan P. Williams, President/CEO  
Construction Association of NS



Stephen Adams, Executive Director  
UDI of Nova Scotia



## Attachment F: Construction Noise Survey Results

### Overview

From July 22 to August 31, 2020, the public was asked to participate in an online survey regarding construction noise and potential changes to the N-200 Noise By-law. The survey was hosted on the HRM Shape Your City website and advertised through social media. The survey was hosted on a page related to changes to HRM by-laws in general, which also had Grade Alteration and Stormwater Management By-law and Halifax Complete Streets Guidelines surveys available.

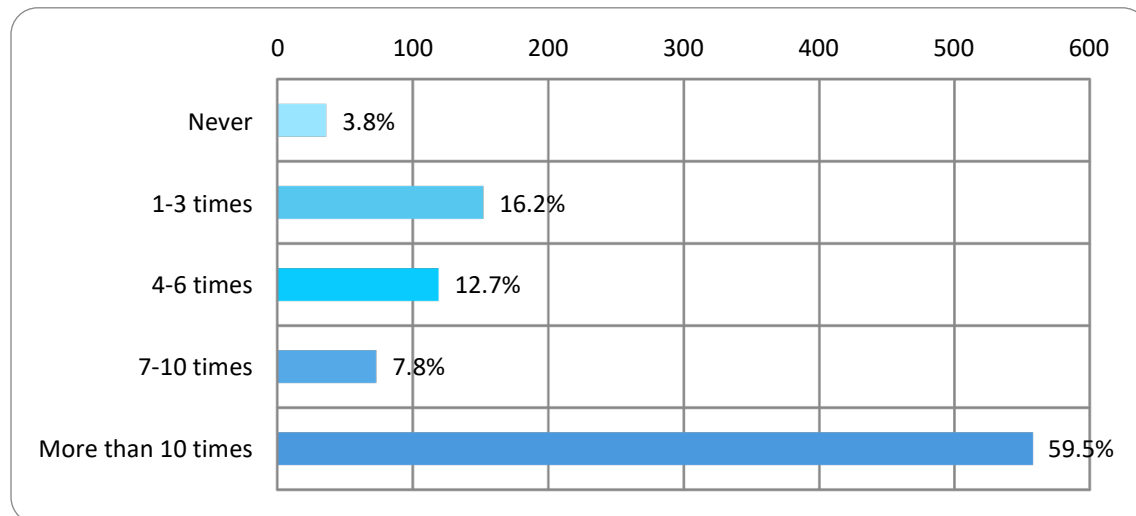
The Construction Noise survey received 941 submissions and 928 complete surveys. In total 1541 people visited the page. It consisted of 12 questions asking about residents' experiences with construction noise, changes to the hours when construction is permitted under the Noise By-law, other measures that might help mitigate construction noise, and demographic information. Most questions had check boxes respondents could choose for answers with an option for comments, but there were also two questions that were entirely open-ended.

The Noise By-law (N-200) allows all noise-generating activities, including construction-related noise during the following times: (93.5 hours total per week)

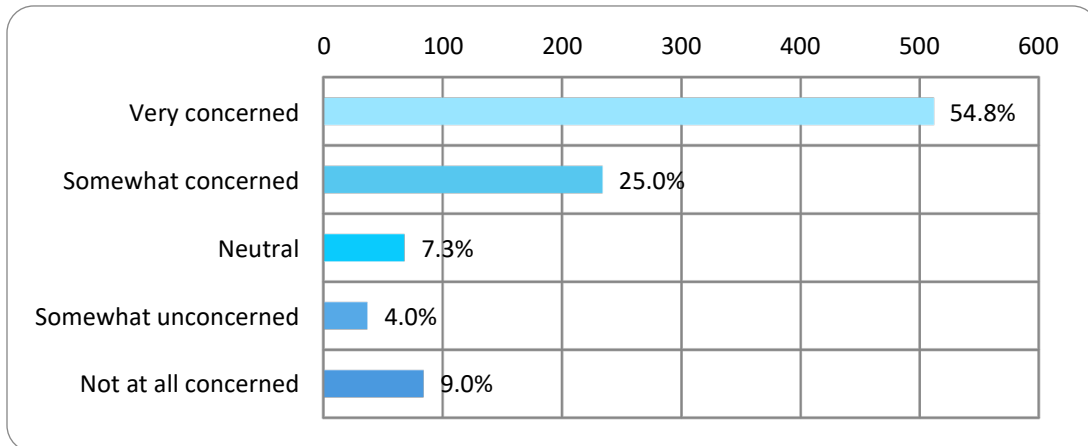
- Monday through Friday - 7:00 a.m. to 9:30 p.m
- Saturdays - 8:00 a.m. to 7:00 p.m.
- Sundays and statutory holidays - 9:00 a.m. to 7:00 p.m.

### Survey Results

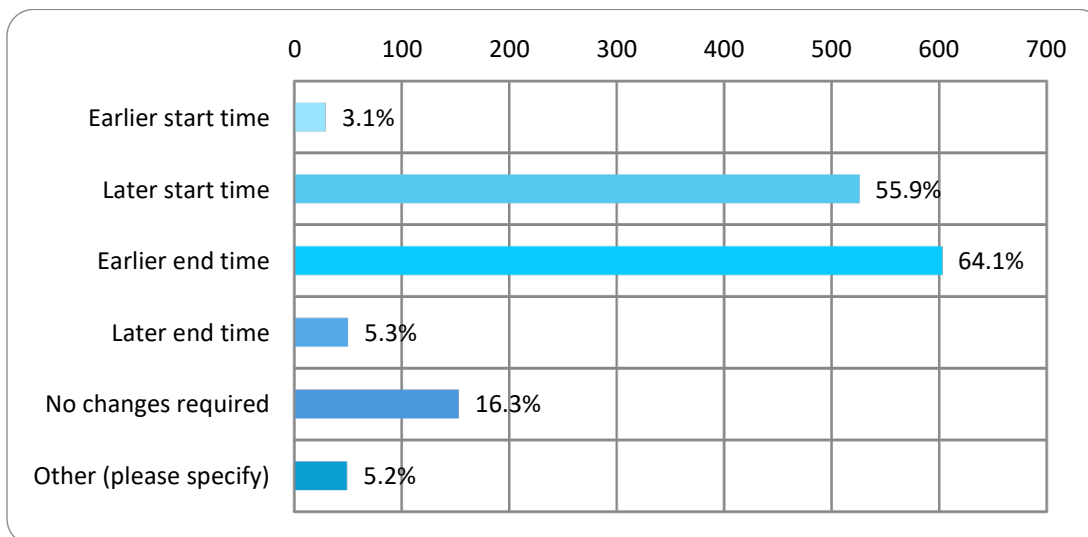
**Question 1: How frequently have you experienced construction-related noise near your home in the last five years?**



**Question 2: How concerned are you about construction noise in residential areas?**



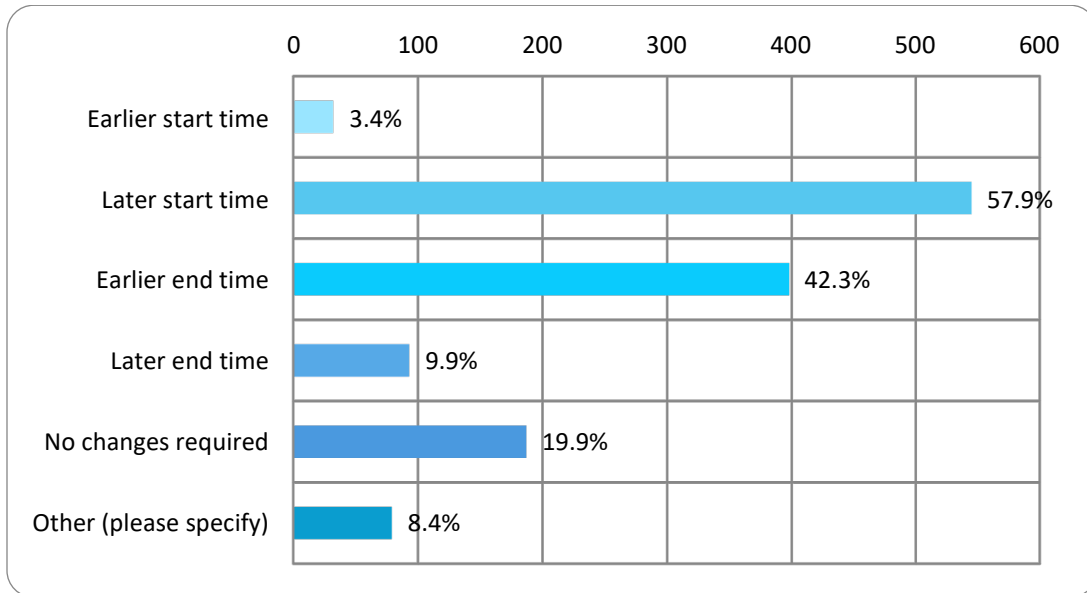
**Question 3: On weekdays, Monday through Friday, noise is permitted under the Noise By-law from 7:00 a.m. to 9:30 p.m. Would you support any of following adjustments to construction hours Monday through Friday? Please select all that apply.**



*\*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*

Respondents could choose multiple answers to this question, and many favoured both a later start time and earlier end time. The comments in the “Other” section also reflect this preference, with 13 stating they prefer a later start and 20 an earlier end. Site preparation beginning before 7a.m., improved enforcement, giving advance notice to the neighbourhood, and the impact of noise on sleep patterns for children and shift workers were other themes in the comments. A small number raised the possibility of overnight or 24/7 hours for some projects (e.g.roadwork).

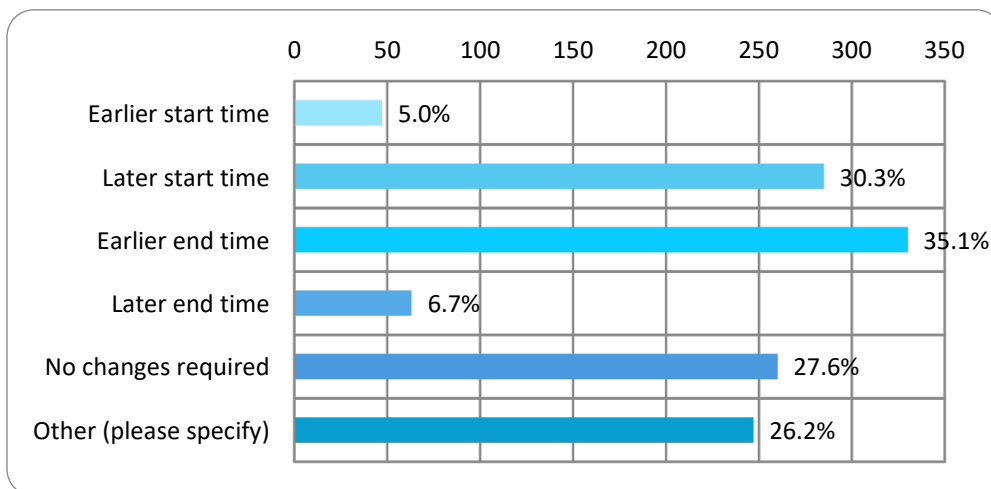
**Question 4: On Saturdays, noise is permitted under the Noise By-law from 8:00 a.m. to 7:00 p.m. Would you support any of following adjustments to construction hours on Saturdays? Please select all that apply.**



*\*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*

A later start time was the top preference for respondents on changes to Saturday hours. Of those who suggested a specific time, a start of 8 or 9 a.m. was most common. However a dominant theme in the comments was a ban on construction noise outright on Saturdays or weekends, with 50 of 79 comments expressing this preference. Some comments noted that work on individual residential properties should be exempt from any new time restrictions placed on larger scale construction projects.

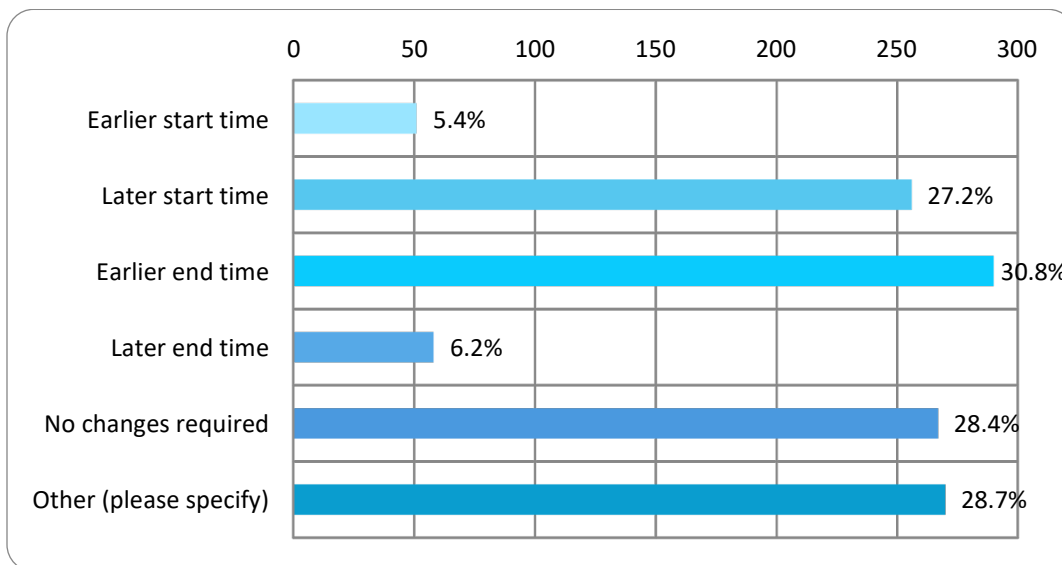
**Question 5: On Sundays, noise is permitted under the Noise By-law from 9:00 a.m. to 7:00 p.m. Would you support any of following adjustments to construction hours on Sundays? Please select all that apply.**



*\*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*

The response choices for questions about changing hours were limited to either restricting or expanding hours. Given that there was no option for suspending construction noise entirely, many respondents chose a later start and earlier end times. However, the comments show an overwhelming preference for no construction noise whatsoever on Sunday, with 220 of 247 comments saying Sunday should be a day of respite from the noise and activity. Many comments noted that one day a week to enjoy their property should not seem unreasonable. Several responses did note the need for emergency work on Sundays (e.g., water main repairs, power outages), and also wanted individual residential properties exempt, but felt that otherwise construction-related noise should not be permitted.

**Question 6: On Statutory Holidays, noise is permitted under the Noise By-law from 9:00 a.m. to 7:00 p.m. Would you support any of following adjustments to construction hours on Statutory Holidays? Please select all that apply.**



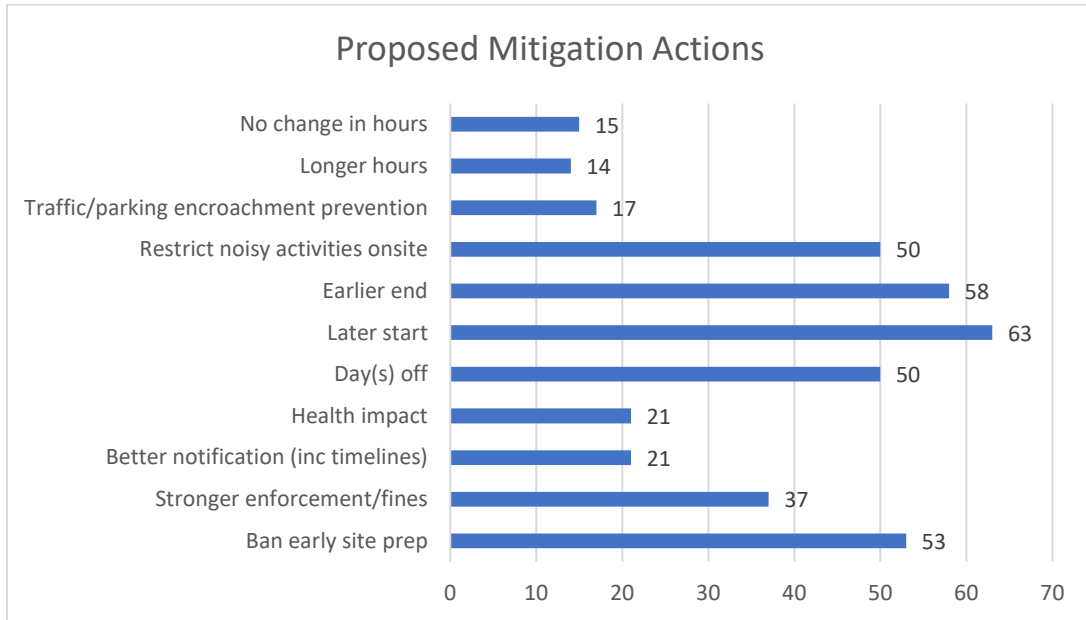
*\*Respondents could choose multiple answers, so the percentages above reflect the number of times each answer was chosen as a percentage of total survey responses*

Similar to the question about changes to hours on Sunday, the comments received indicate a strong preference for no construction-related noise on statutory holidays. Almost every comment wanted a construction ban on these days. One comment noted that Nova Scotia has only 7 statutory holidays, so such a ban would be unlikely to significantly impact a construction project. Other comments suggested that construction could be restricted to less noisy and intrusive activities on statutory holidays, and some differentiated between what could be allowed in residential areas vs downtown and commercial districts.

**Question 7: Do you have any additional comments about adjustments to the construction hours?**

This question received 404 comments. Eleven major themes were identified: nine in areas where mitigation actions would be useful, and two that felt no changes were needed or preferred longer hours to complete projects faster. Later start and earlier end times were the most popular, followed by

restricting early morning site preparation (i.e., before 7A.M) and restricting certain types of noisy activities or hours when especially intrusive noise is permitted.

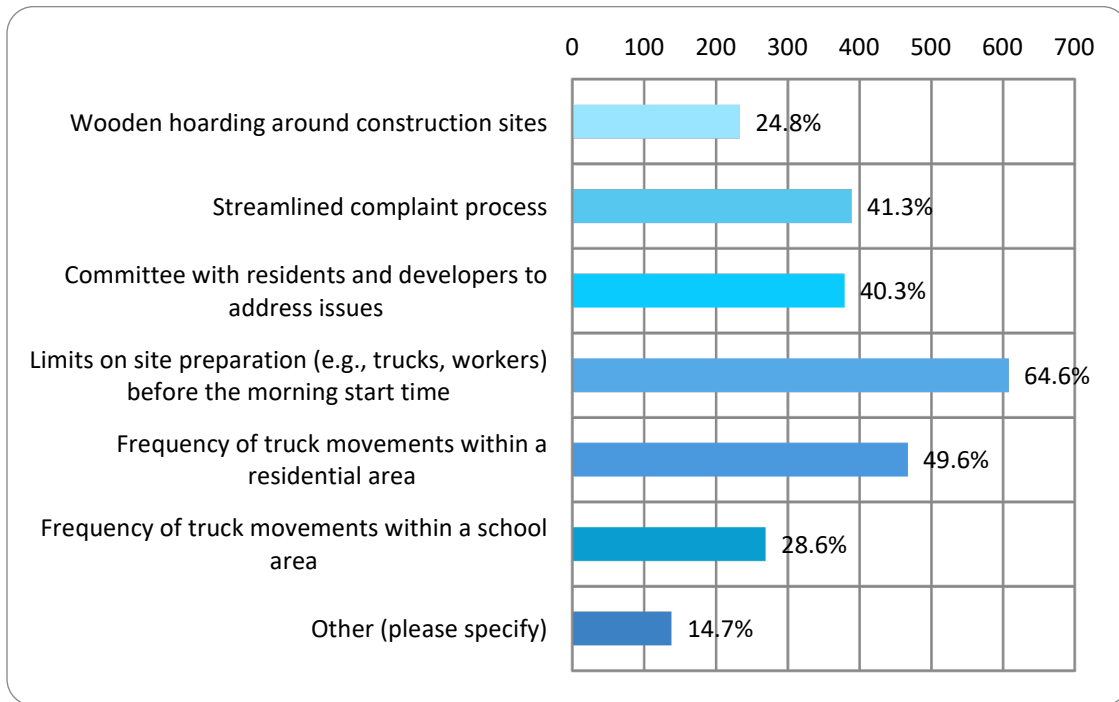


Noisy activities identified by respondents included idling trucks, workers shouting (and swearing), music playing, trucks beeping, and restricting or scheduling especially loud activities such as jackhammering and rock breaking for mid-day. Some of these are beyond HRM’s ability to control in a by-law.

The impact on residents’ mental and physical health was raised numerous times. The most common solution suggested was banning construction one day per week. Shift workers, those with children, and people with non 9-to-5 schedules also raised concerns about the impact of construction noise on their sleep and advocated for at least one day off.

Several respondents stated that HRM’s noise by-law is much more permissive than those in other Canadian municipalities and our hours should be restricted. A jurisdictional scan found some cities in Ontario (Toronto, London) and BC (Vancouver, Victoria) do have earlier end times and ban construction on Sundays and holidays. However, several others (Saint John, Winnipeg, Edmonton, Calgary) have hours similar to HRM.

**Question 8: What measures would you suggest Regional Council consider in balancing peaceful enjoyment and the realities of construction? Please select all that apply.**

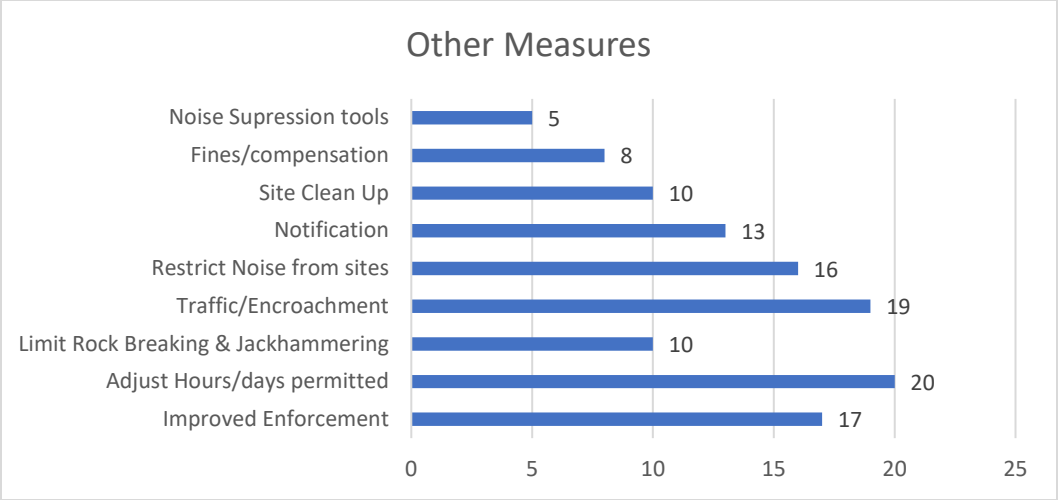


*\*Respondents could choose multiple answers, so the percentages above reflect the number of times each answer was chosen as a percentage of total survey responses*

Restricting early morning site preparation (i.e., before the 7a.m. time permitted in the noise by-law) was the most popular choice for mitigating noise. This is echoed in the comments for almost every question in the survey, with on-site noise singled out as a significant nuisance. It includes trucks beeping, workers shouting, music playing, and delivery trucks idling.

Adjusting the hours or days of the week that construction noise is permitted is the most popular mitigation suggestion. However, there were also a significant number of comments not about noise per se, but about improving the general character of the neighbourhood while construction takes place. These included preventing or lessening truck traffic, fewer encroachments on sidewalks and driveways, dealing with garbage left behind by workers, and tidying up areas around construction sites (e.g., removing construction debris from streets and lawns). A number of respondents also felt that improved notification or more regular communication would help residents at least be aware of noisier stages of the project and stay up to date on timelines and completion.

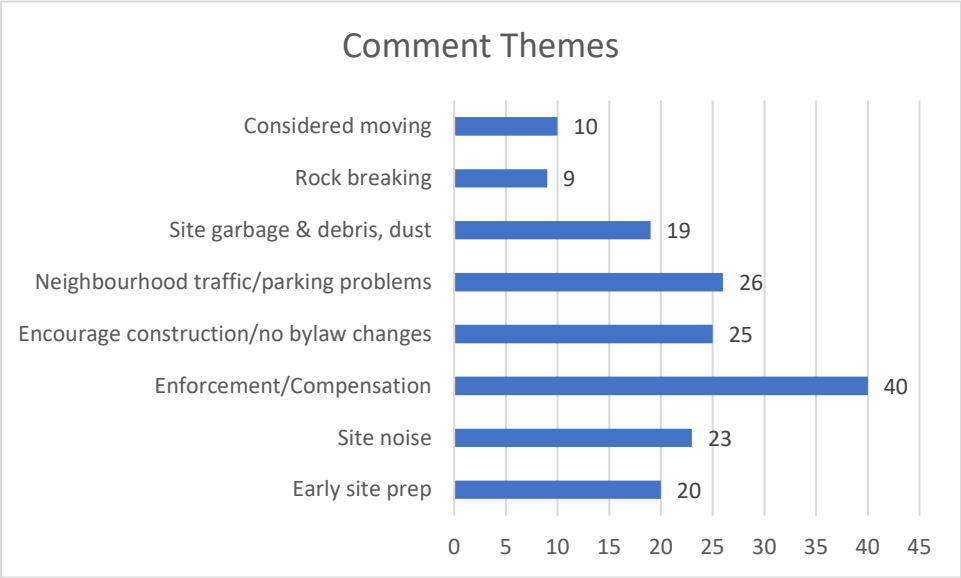
A table with the main themes from noise mitigation comments is below.



**Question 9: Do you have any other comments about construction noise in the municipality?**

There were 342 comments received for this question. The overall sentiment was that there is just too much noise from construction. There was a high level of frustration with constant noise, the sheer number of projects underway, the duration of construction (often immediately followed by another project), and inability to enjoy one’s property. Several respondents mentioned having to move or contemplating moving to get away from the noise.

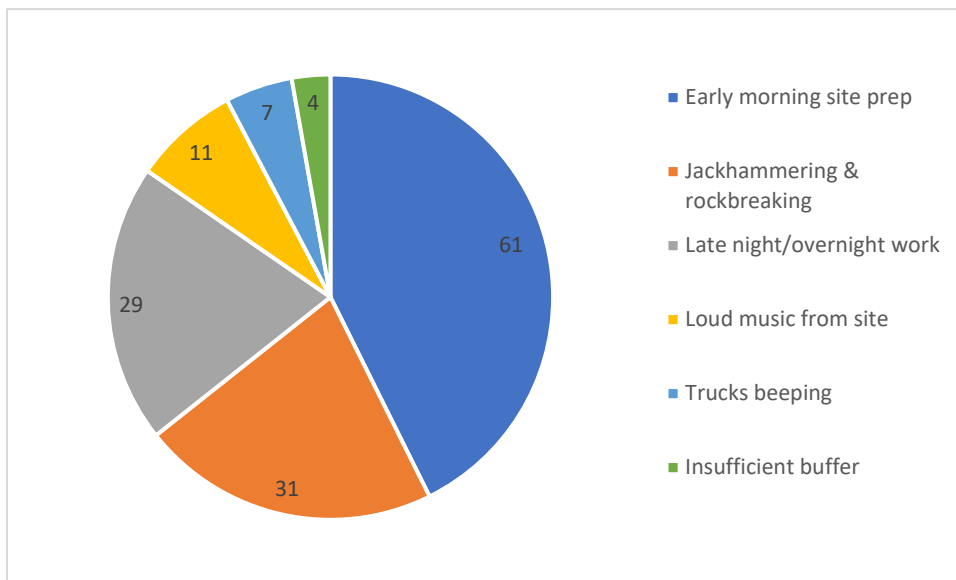
The comments for this question were more commentary than proposing solutions, which was covered in question 7. The themes related to this question are therefore less about mitigation and more about people’s general feelings about construction. Numerous respondents commented that with more people working at home during the pandemic, a respite from noise is needed even more.



Better enforcement was raised in the answer to almost every survey question. Currently by-law enforcement officers are only available during regular business hours, meaning noise complaints that come in after hours are directed to either 311 or police. Survey respondents felt that having by-law enforcement available for extended hours would be an improvement, as they would be able to deal with infractions on the ground, instead of following up several days later.

### Complaints Received by HRM Compliance

HRM Compliance shared a spreadsheet of noise-related complaints received since January 2017. Of the 868 complaints listed, 150 appear to be construction-related (17.3%) Early morning site preparation accounts for over one-third of those complaints. Significantly less frequent were complaints about jackhammering/rockbreaking, work continuing late into the night, and loud music being played onsite. The number of complaints received are shown in the figure below.

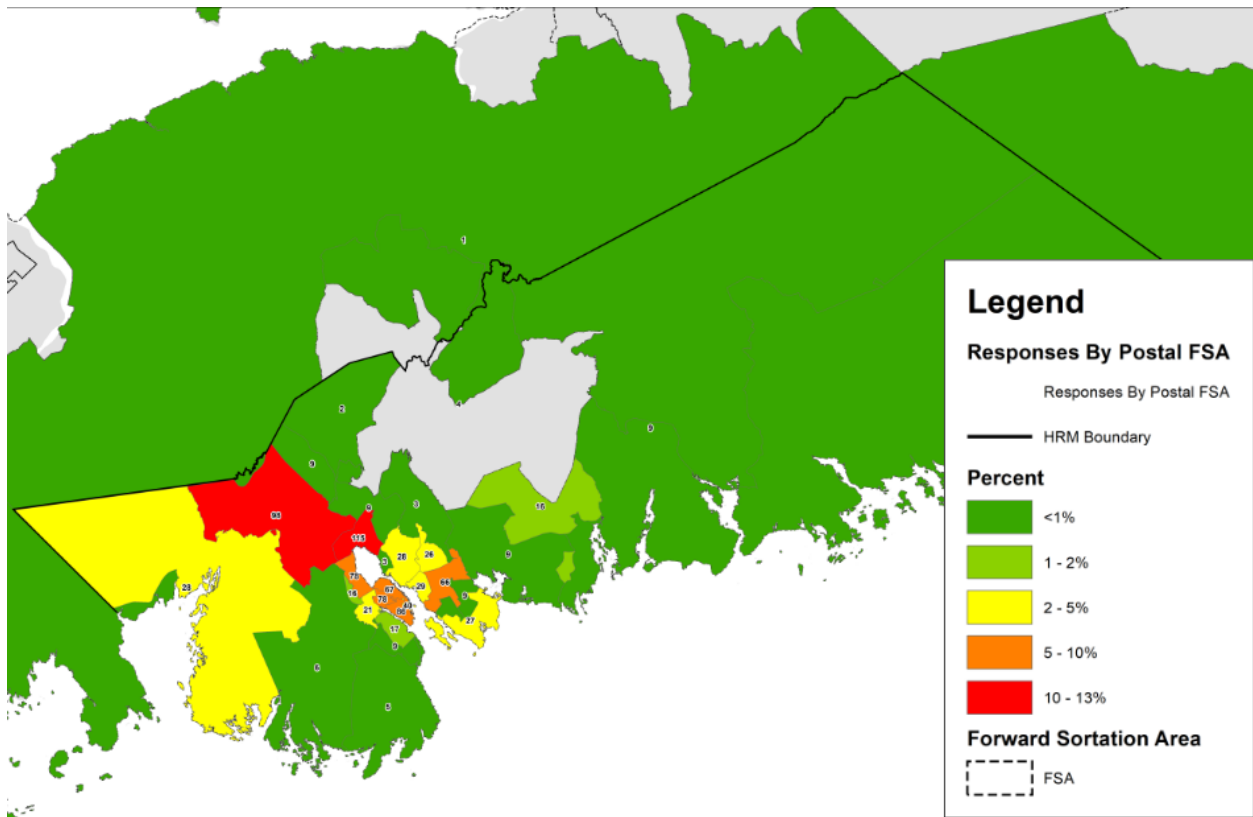


### Survey Demographic Information:

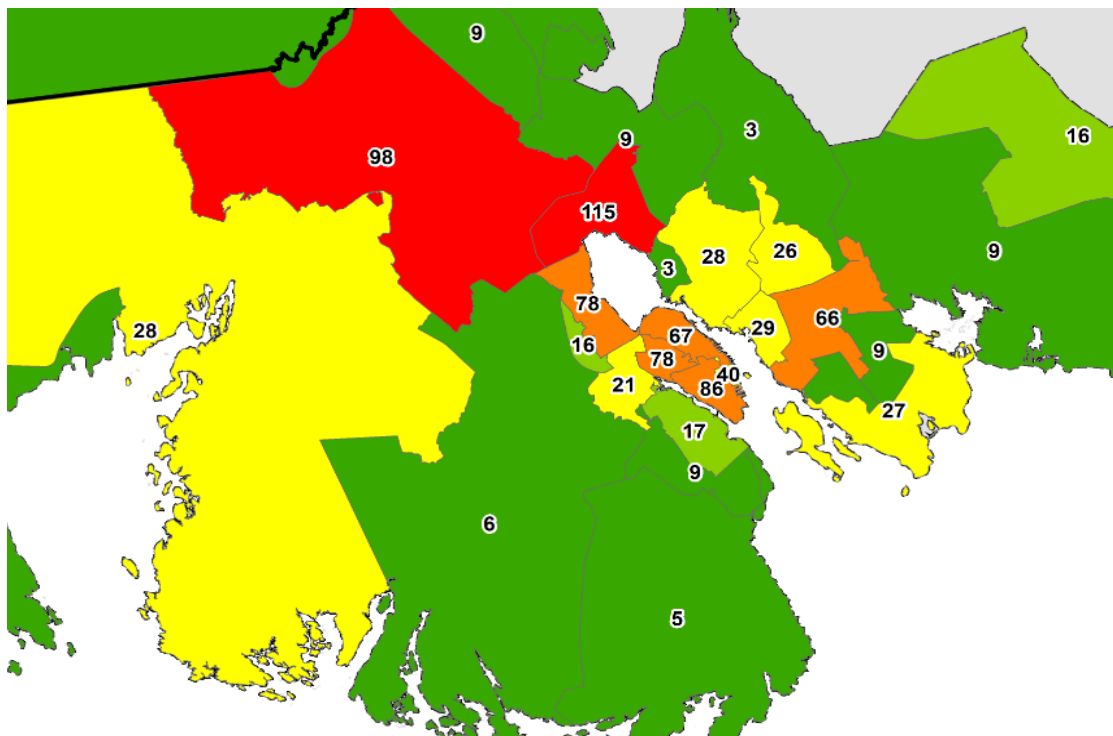
Map of responses by first three digits of postal code:



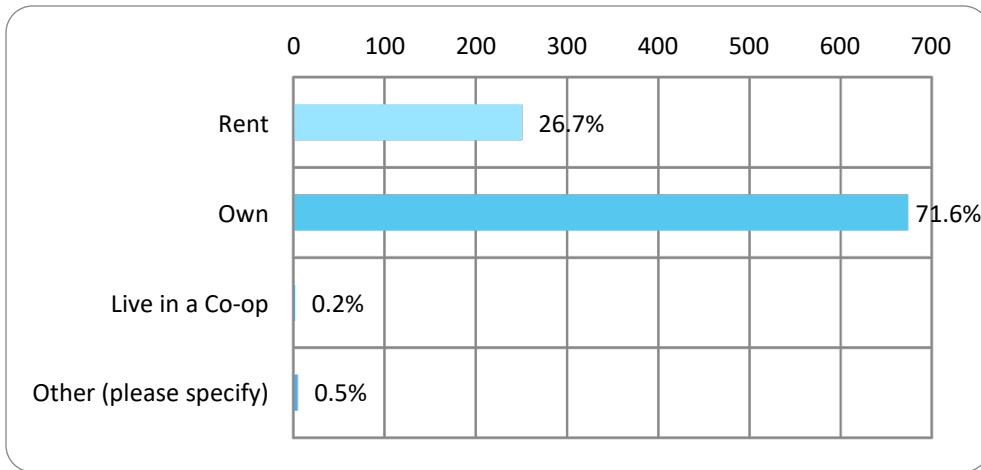
All of HRM:



Urban Area Inset (numbers are the number of survey responses from each postal code area):



What best describes your housing situation?



Do you work in construction or a related industry? (e.g., developer, architect, surveyor, construction contractor)

