



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

Item No 15.2.1
Halifax Regional Council
December 12, 2023
January 9, 2024

TO: Mayor Savage Members of Halifax Regional Council

SUBMITTED BY: - ORIGINAL SIGNED -

Councillor Patty Cuttell, Chair, Community Planning and Economic Development
Standing Committee

DATE: November 16, 2023

SUBJECT: **By-Law N-208 Construction Noise Updates**

ORIGIN

November 16, 2023 meeting of the Community Planning and Economic Development Standing Committee, Item 13.1.3.

LEGISLATIVE AUTHORITY

Legislative Authority is outlined in the attached staff report dated September 27, 2023.

Administrative Order One, *Respecting the Procedures of the Council*, schedule 3 Community Planning and Economic Development Standing Committee Terms of Reference, section 6(a) states:

6. The Community Planning and Economic Development Standing Committee shall have an active interest in the Agencies and Initiatives that support Community and Economic development throughout the municipality by:

(a) promoting and encouraging the development of programs, policies in initiatives in the municipality that support Community and Economic development throughout the municipality;

RECOMMENDATION

The Community Planning and Economic Development Standing Committee recommends that Halifax Regional Council adopt By-law N-208, amending By-law N-200, the Noise By-law, as set out in Attachment B of the staff report dated September 27, 2023.

BACKGROUND

The Community Planning and Economic Development Standing Committee received a staff recommendation report dated September 27, 2023 to consider potential changes related to regulating construction hours on a seasonal basis and extending construction hours for general concrete related construction activities.

For further information refer to the attached staff report dated September 27, 2023.

DISCUSSION

The Community Planning and Economic Development Standing Committee considered the staff report dated September 27, 2023 and approved the recommendation to Halifax Regional Council as outlined in this report.

FINANCIAL IMPLICATIONS

Financial implications are outlined in the attached staff report dated September 27, 2023.

RISK CONSIDERATION

Risk consideration is outlined in the attached staff report dated September 27, 2023.

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 staff report dated September 27, 2023.

ENVIRONMENTAL IMPLICATIONS

Environmental implications are outlined in the staff report dated September 27, 2023.

ALTERNATIVES

Alternatives are outlined in the attached staff report dated September 27, 2023.

ATTACHMENTS

Attachment 1 – Staff recommendation report dated September 27, 2023.

Report Prepared by: Elizabeth Macdonald, Legislative Assistant, Municipal Clerk's Office 902.497.7548.



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

Item No. 13.1.3
Community Planning and Economic
Development Standing Committee
November 16, 2023

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

- Original Signed -

SUBMITTED BY: _____
Maggie MacDonald, Acting Chief Administrative Officer

DATE: Sept. 27, 2023

SUBJECT: By-Law N-208 Construction Noise Updates

ORIGIN

June 16, 2022 Community Planning and Economic Development Standing Committee (CPED), Item 12.1.1

MOVED by Councillor Cuttell, seconded by Councillor Blackburn

THAT Community Planning and Economic Development Standing Committee request a staff report to explore the impact of seasonal hours of operation on the construction industry.

MOTION PUT AND PASSED

September 15, 2022 Community Planning and Economic Development Standing Committee, Item 15.1

MOVED by Councillor Blackburn, seconded by Councillor Austin

THAT the Community Planning and Economic Development Standing Committee direct the Chief Administrative Officer to prepare a staff report the purpose of which is to consider amendments to By-law N-200, Respecting Noise, to establish end hours for construction related noise related to concrete pouring to be 9:30 pm, Monday to Friday.

MOTION PUT AND PASSED.

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 tranquility 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 Halifax Regional Council adopt By-law N-208, amending By-law N-200, the *Noise By-law*, as set out in Attachment B to this report.

BACKGROUND

HRM has been experiencing increase in construction activity in recent years, including areas near existing residential neighbourhoods. In 2021, staff were asked to propose ways to mitigate the impacts of construction related noise on residents. Changes to the Noise By-Law N-200, including the hours of operation for construction, were adopted by Regional Council on August 23, 2022. This resulted in the shortening of the end hours from 9:30 pm to 8:00 pm, Monday to Friday. Subsequently, CPED requested further consideration of potential changes related to regulating construction hours on a seasonal basis - and extending construction hours for general concrete related construction activities. This report provides an analysis of the issues, including the results of additional public and stakeholder engagement, and proposes further changes to By-law N-200.

Seasonal Hours of Operation for Construction Related Noise

The June 16, 2022 CPED motion requested a staff report to consider varied construction hours to potentially better balance the needs of the construction industry, economic development and housing challenges, with residents' ability to enjoy their properties during the warmer months and broader quality of life (e.g. use outdoor space or have their windows open, bedtime for younger families, and shift work). To address this CPED motion, staff considered the following options:

- (a) to further reduce hours in the warmer months such as from April 1 to October 31, to less than the recently amended 8:00 pm end time,
- (b) to keep the status quo and not recommend regulating seasonally, or
- (c) to allow construction within residential neighbourhoods to revert back to a 9:30 pm or permit even longer hours during the colder months of the year such as November 1 to March 31.

Staff reviewed noise by-laws in 35 different cities and communities across North America that can be broken down into three categories: the Atlantic Provinces, across Canada, and Northern United States. All

jurisdictions were chosen based on having fluctuations in climate with seasonal change. The findings are as follows:

- The Atlantic Provinces (15 noise by-laws reviewed: Kentville, NS; Yarmouth, NS; Bridgewater, NS; Wolfville, NS; Truro, NS; New Glasgow, NS; Sydney, NS; Port Hawkesbury, NS; Sydney (Cape Breton Regional Municipality), NS; Saint John, NB, Moncton, NB, Bathurst, NB, Fredericton, NB, Charlottetown, PEI; and St. John's, NL): **None regulate construction hours on a seasonal basis.**
- Across Canada (13 noise by-laws reviewed: Kingston, ON; North Vancouver, BC; Vancouver, BC; Windsor, ON, Gatineau, QC, Hamilton, ON; London, ON; Ottawa, ON; Toronto, ON; Winnipeg, MB; Edmonton, AB; Calgary, AB; and Victoria, BC): **None regulate construction hours on a seasonal basis.**
- Northern United States (8 noise by-laws reviewed: Boston, MA; Buffalo, NY; Burlington, VA; Pittsburgh; PA; Minneapolis, MN; Grand Forks, ND; Helena, MT; Milwaukee, WI): **None regulate construction hours on a seasonal basis.**

Concrete Pouring and Concrete Finishing

The September 15, 2022 CPED motion was related to hours for concrete pouring. Concrete pouring and concrete finishing, although related, are two separate activities:

- *Concrete pouring* is a construction activity that is time sensitive because of how concrete dries and cures. Concrete pouring is known as “concrete placement” in the industry and is defined by the American Concrete Institute as “the deposition, distribution, and consolidation of freshly mixed concrete in the place where it is to harden”.¹ The pouring of concrete is completed with various types of equipment and machinery, such as, buckets, hoppers, manual or motor-propelled buggies, chutes and drop pipes, conveyor belts, pumps, tremies, and paving equipment.
- Concrete *finishing* is the process for creating a smooth surface to the freshly poured concrete. The surface is leveled by a tool called a screed and the motorized trowels smooth the surface. Concrete finishing creates durability and stiffness to the concrete and is beneficial for energy efficiency.

For a new section of freshly placed concrete, the first 48 hours is critical in the finishing and curing process, after that time the freshly placed concrete can be walked on. The complete curing process can take up to 28 days.² Due to these timelines, once a section of new concrete is placed the entire section must be completed before stopping and moving on to a new section.

DISCUSSION

Seasonal Regulation of Construction Hours

In considering the issues raised by CPED, and further discussion by Regional Council, staff took the following into consideration:

- Residential neighborhoods: The recently approved amendments to By-Law N-200 to reduce the daily construction hours by 1.5 hours to 8:00pm, Monday to Friday, helped to mitigate impact of late construction noise on residential areas and residents' enjoyment of their properties;

¹ <https://www.concrete.org/topicsinconcrete/topicdetail/Placing%20Concrete?search=Placing%20Concrete>

² <https://www.concretenetwork.com/curing-concrete/>

- Jurisdictional scan: The scan of 35 centers across North America looked at the noise by-laws / ordinances for each to see if any regulate seasonally, and none do. With the recent changes in weather and climate it would be challenging to define hours based on seasonal variations, and the benefits may not outweigh the importance of providing certainty and consistency to both residents and industry on what rules apply and when;
- Feedback from industry: During the initial round of consultation, and through additional consultation held in October 2022, feedback from industry was not supportive of reductions in their daily hours of operation, but neither saw seasonal hours as a practical alternative. See all feedback received in Attachment C;
- Exemption process: Through the By-Law N-207 amendments approved in August 2022, a new exemption process was provided for industry to request exemptions, if permitted to do so, for work that needs to go later than 8:00pm daily;
- Housing: The recent increased demand for housing across HRM requires the construction industry to complete their work as efficiently as possible;
- Seasonal weather changes: With recent changes in weather and climate, warm and cold seasons are changing and are difficult to correlate to set dates; and
- Community and industry expectations: Changing working and noise hours based on seasons can be difficult for the community to understand. The current by-law already has some flexibility and exemptions for certain types of work.

In consideration of the points raised above, staff are recommending to maintain the general construction hours as 7:00 am to 8:00 pm, Monday to Friday, 8:00 am to 7:00 pm on Saturday, and 9:00 am to 7:00 pm on Sunday, Statutory Holiday, Civic Holiday, or Remembrance Day, and not to further regulate the hours seasonally. The amendments to By-law N-200 approved in August 2022 to which reduced the daily construction hours has mitigated the impact of late construction noise on residential areas and provides flexibility through the exemption process.

Extending concrete pouring and concrete finishing to 9:30 pm Monday to Friday

To address CPED's request to extend the daily hours of operation for concrete pouring, concrete finishing, or both, staff considered the noise levels generated, the time sensitive nature of concrete pouring and finishing work, the administrative burden created by the possibility of many exemption requests to the Noise By-law, and how regulation should be administered including creating a new definition for "concrete pouring".

The noise generated by a standard piece of concrete placing or finishing equipment is 85 decibels (dB). For comparison, the normal outdoor sound levels in residential areas are approximately 55 dB. If more than one piece of concrete placing or finishing equipment is used, the noise cumulatively is greater than 85 dB, but the activity of concrete placement on its own causes significantly lower noise levels than the cumulative noise of a fully operational construction site.

HRM Building staff have indicated that concrete pouring and finishing activities often require additional time beyond the daily operational hours to complete work in a section of building. Concrete pouring and finishing work will likely require time exemptions in the future to complete projects. The approved daily reduction in general construction hours to 8:00pm, from Monday to Friday, will only increase the likelihood that this work would be requesting an exemption for hours of operation in the future. The higher the volume for exemption requests from the hours of operation, the higher the administrative burden on staff and less certainty given to residents on when construction projects will finish for the day.

Considering the above, providing certainty to residents, and the time sensitive nature of concrete pouring and concrete finishing work, staff are recommending a Monday to Friday time extension for both activities until 9:30 pm, but not a fully operational construction site. Adding an additional 1.5 hours daily, Monday to Friday, will help complete concrete pouring and concrete finishing projects in a timely fashion and reduce the possibility of requesting a time exemption from the Noise By-law, while still being sensitive to residential neighborhoods. If approved by Council, there would be no changes for concrete pouring or finishing activities on Saturday, Sunday, Statutory Holiday, Civic Holiday, or Remembrance Day. On Saturdays, the hours would remain 8:00 am to 7:00 pm, and on a Sunday, Statutory Holiday, Civic Holiday, or Remembrance Day the hours would remain 9:00 am to 7:00 pm. Staff recommend amending By-law N-200, as proposed in Attachment A and B, including the creation of new definitions for “concrete pouring” and “concrete finishing” to clearly distinguish this work from general construction.

By-Law N-200 Housekeeping Amendments

Staff are also proposing several minor clarifying text changes to the by-law to help improve administration of the Noise By-Law exemption process:

- Adding language to allow staff to require a discretionary notification distance for a requested noise by-law exemption based on residential context and the type of exemption; and
- A text edit to Clause 6B(1)(a) to allow “associated activities as determined by the CAO” to concrete pouring and concrete finishing to also be included in a noise by-law exemption;

FINANCIAL IMPLICATIONS

There are limited financial or budget implications for the Municipality associated with the recommendations in this report. Enforcement and communication pertaining to proposed changes to the Noise By-law can be carried out within the approved 2023/24 budget. Any future recommendations related to increased enforcement would be presented to Council through the annual budget process. The extension of construction hours for concrete pouring and finishing from 8 pm back to 9:30 pm Monday to Friday will result in reduced impacts on municipal and other public works projects and reduce administrative impacts on staff.

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. The extension of construction hours for concrete pouring and finishing from 8 pm back to 9:30 pm Monday to Friday will result in reduced impacts on all construction projects and reduce administrative impacts on staff.

RISK CONSIDERATION

There are no significant risks to the Municipality associated with the recommendations in this report as they represent minor amendments to changes approved by Council in 2022. In November 2022 the Province of Nova Scotia passed Bill 225 to amend the HRM Charter (now S. 204A of the HRM Charter) which allows a by-law or part of a by-law made by the Council to be nullified by order of the Minister if the Minister determines that the by-law or part of a by-law would impact housing or development. The risk of nullification in this case is considered low as the proposed changes to By-law N-200 are more permissive with respect to construction noise hours than currently exist and will therefore not have a negative impact on housing and development.

COMMUNITY ENGAGEMENT

Online Questionnaire

A public questionnaire on seasonal construction noise regulation and a daily time extension for concrete works was open on the Municipality's Shape Your City site from September 25 to October 25, 2022. The questionnaire was promoted through a variety of channels, including construction industry representatives, and was not designed to be statistically representative. The website received 221 visits, 11 document downloads, with 23 people responding to the questionnaire that consisted of two questions, that asked respondents how they would feel about the seasonal regulation of construction hours of operation and extending daily hours for construction noise related to concrete works. A full analysis of the results may be found in Attachment C.

When asked if respondents would support allowing longer hours for general construction related noise during the week of the colder months, if the shorter hours are maintained during the warmer months, it was a 50/50 split with 11 people each voting for and against and 1 unsure.

When asked if respondents would support allowing concrete pouring and finishing to continue daily until 9:30 p.m., Monday to Friday, when all other construction related noise must cease at 8:00 p.m. the majority was in favour of the proposal: 74%, 17 out of 23 people, were in favour of extending the hours for concrete works to 9:30pm during the weekdays.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

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

1. Adopt Amending By-law N-208, amending By-law N-200, subject to modifications. This may require a supplementary staff report; or
2. Refuse to adopt Amending By-law N-208, amending By-law N-200. This will result in maintaining the status quo.

ATTACHMENTS

Attachment A: Showing Proposed Changes to By-law N-200

Attachment B: Amending By-law N-208

Attachment C: Questionnaire Summary

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

Report Prepared by: Kasia Tota, Manager of Community Policy, 902-292-3934

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*;

(aaa) "concrete finishing" means the process for creating a smooth surface to freshly poured concrete;

(aaaa) "concrete pouring" means the deposition, distribution, and consolidation of freshly mixed concrete in the place where it is to harden;

(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, 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 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,
- (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;
- (a) noises emitted by audible pedestrian signals; and
- (b) 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, or any other associated activities as determined by the CAO;

(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.

(2) The CAO may delegate their authority under clause 6B(1)(a) to the staff that oversees the noise exemption application process.

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 **in a form prescribed by the CAO**, a minimum of 48 hours prior to commencement of the work, to all **residents** ~~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, where determined appropriate by the CAO.

(1A) The CAO may delegate their authority under subsection 6E(1) to the staff that oversees the noise exemption application process.

(1B) For any subsequent works carried out on the same property granted under the same exemption under section 6C, an applicant shall deliver notice at least 48 hours prior to the commencement of the work by methods described in the form prescribed under subsection 6E(1).

(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~~ in a prominent location that residents can access, with a link to the Halifax Approved Construction Noise Exemption webpage.

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

Severability:

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

Offence and Penalty

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

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

Repeal of By-laws, Regulations and Ordinances

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

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

Mayor

Municipal Clerk

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

Vi Carmichael, Municipal Clerk

Schedule “A”

Part 1

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

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

Part 2

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

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

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

Part 3

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

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

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

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

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

At All Times

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

A

- | | | |
|-----|--|---|
| 4. | The use or operation of any commercial vacuuming equipment such as rug cleaning equipment; | A |
| 5. | The operation of any public address system, television set, disc player, tape deck, phonograph, or radio in a manner such that the sound from the equipment being operated is audible beyond the bounds of the property from which the noise is emitted; | A |
| 6. | The operation of any motorized conveyance other than on a street or other place intended for its operation; | A |
| 7. | The operation of any item of snow or ice making equipment; | A |
| 8. | The use or operation of construction equipment, except where such equipment is used or operated on any highways; | 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; | E |
| 12. | The operation of any powered rail car including by | A |

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

13. Rock breaking F

14. Concrete Finishing and Concrete Pouring G

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.

G - 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.).

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

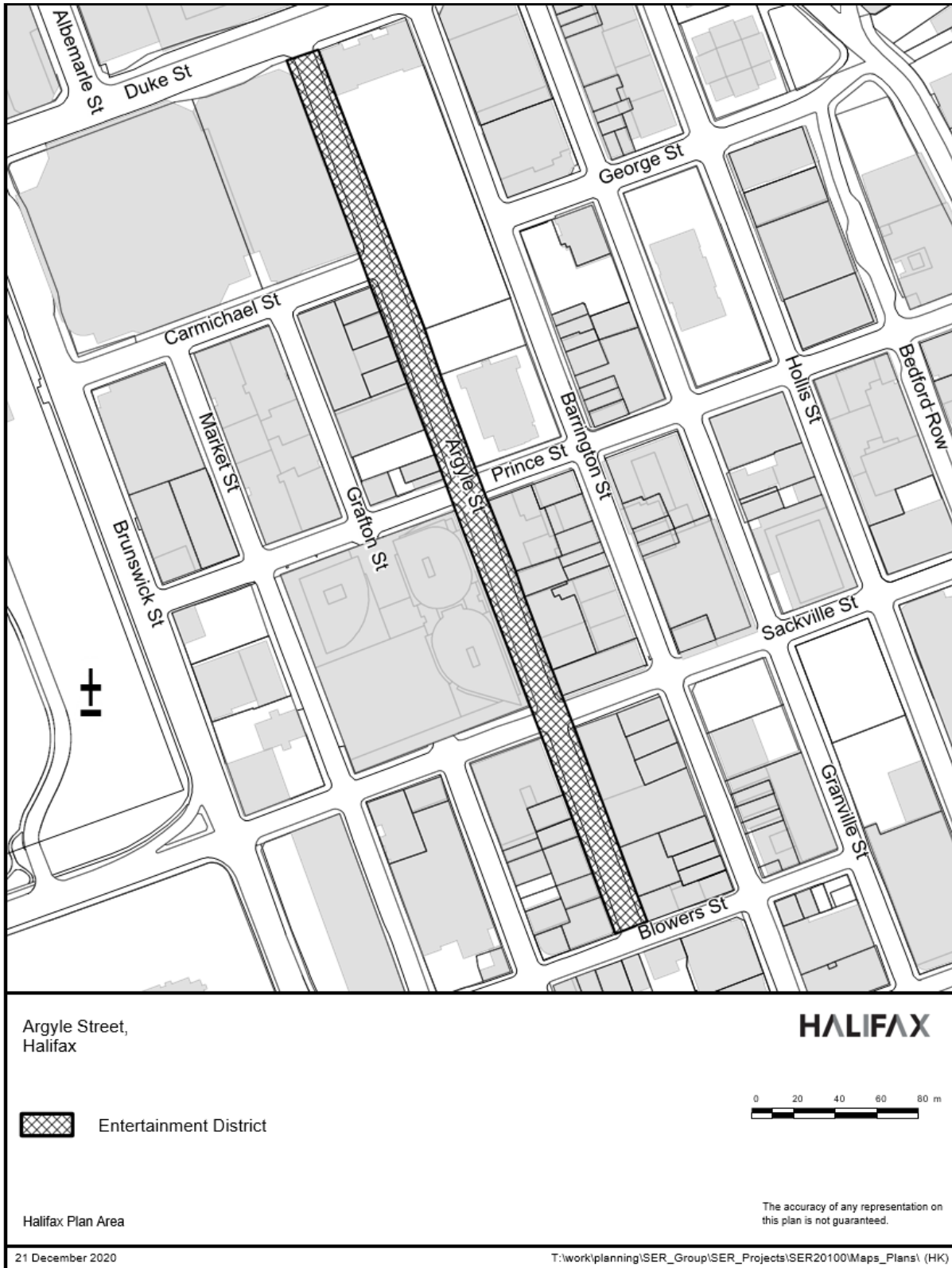
Schedule "C"

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



BY-LAW N-200

Notice of Motion:

June 22, 1999

First Reading:	July 6, 1999
“Notice of Intent” Publication:	July 31, 1999
Second Reading:	September 14, 1999
Approval of Minister of Housing and Municipal Affairs	N/A
Effective Date:	September 18, 1999

No. 1 - Amended by N-201

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

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

No. 2 - Amended by V-101

Amending Section 8

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

No. 3 - Amended by N-203

Repeal of Section 8 and 9 and replace

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

No. 4 - Amended by N-204

Amendment to Part 2 of Schedule A

Notice of Motion:	May 17, 2005
First Reading:	May 24, 2005
Notice of Public Hearing - Publication:	June 11, 2005
Second Reading:	June 28, 2005
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	July 9, 2005

No. 5 - Amended by N-205

Notice of Motion:	December 4, 2018
First Reading:	December 11, 2018
Notice of Public Hearing - Publication:	February 9, 2019

Second Reading:	February 26, 2019
Approval of Municipal Affairs:	N/A
Effective Date:	March 2, 2019

No. 6 – Amended by By-law N-206

Added subsection 5(3), section 5A and Schedule D

Notice of Motion:	June 8, 2021
First Reading:	June 29, 2021
Notice of Second Reading Publication:	July 3, 2021
Second Reading:	July 20, 2021
Approval by Minister of Municipal Affairs and Housing:	N/A
Effective Date:	July 24, 2021

No. 7– Amended by By-law N-207

Amended clauses 2(ab),(i), (j), 4(2)(c); and subsection 4(1)

Added sections 6B, 6C, 6D, and 6E

Amended Schedule A, Part 3, sections 2, 8, and 11

Added to Schedule A, Part 3, section 13, and Clauses E and F to Prohibited Times

Notice of Motion:	June 28, 2022
First Reading:	July 12, 2022
Notice of Second Reading Publication:	August 6, 2022
Second Reading:	August 23, 2022
Approval by Minister of Municipal Affairs and Housing:	N/A
Effective Date:	November 21, 2022

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW N-208
RESPECTING NOISE**

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

1. Amending section 2 by adding the following clauses immediately after clause 2(aa):
 - (aaa) “concrete finishing” means the process for creating a smooth surface to freshly poured concrete;
 - (aaaa) “concrete pouring” means the deposition, distribution, and consolidation of freshly mixed concrete in the place where it is to harden;
2. Amending section 2 by striking out the words and comma “working with concrete,” after the word and comma “level,” and before the word “alteration” in clause 2(ab).
3. Amending clause 6B(1)(a) by:
 - (a) adding a comma after the word “finishing”;
 - (b) striking out the word “or” after the newly inserted comma and before the words “concrete pouring”; and
 - (c) adding the comma and words “, or any other associated activities as determined by the CAO” after the word “pouring” and before the semi-colon.
4. Adding the following subsection immediately after subsection 6B(1):
 - (2) The CAO may delegate their authority under clause 6B(1)(a) to the staff that oversees the noise exemption application process.
5. Amending subsection 6E(1) by:
 - (a) Striking out the word “hand” after the word “shall” and before the word “deliver”;
 - (b) Adding the words and comma “in a form prescribed by the CAO,” after the word “notice” and before the words “a minimum”;
 - (c) Striking out the words “property owners” after the word “all” and before the words “and businesses” and replacing them with the word “residents”;
 - (d) lettering the words beginning with “within 30 metres” as clause (a);
 - (e) striking out the period at the end of the newly created clause (a) and replacing it with a semi-colon;
 - (f) adding the word “or” after the newly inserted semi-colon; and
 - (g) adding the following clause immediately after the newly created clause (a):

- (b) within a distance greater than 30 metres of the property on which the work is to be carried out, where determined appropriate by the CAO.
6. Adding the following subsections immediately after subsection 6E(1):
 - (1A) The CAO may delegate their authority under subsection 6E(1) to the staff that oversees the noise exemption application process.
 - (1B) For any subsequent works carried out on the same property granted under the same exemption under section 6C, an applicant shall deliver notice at least 48 hours prior to the commencement of the work by methods described in the form prescribed under subsection 6E(1).
 7. Amending subsection 6E(2) by striking out the words “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” after the word “onsite” and before the period and replacing them with the words “in a prominent location that residents can access, with a link to the Halifax Approved Construction Noise Exemption webpage”.
 8. Amending Part 3 of Schedule “A” by adding the following immediately after item “13”:
 14. Concrete Pouring and Concrete Finishing G
 9. Amending the “PROHIBITED TIMES” in Schedule “A” by adding the following immediately after item “F”:
 - G - 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.).

Done and passed this _____ day of _____, 2023.

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 Halifax Regional Council held on _____, 2023.

Iain MacLean, Municipal Clerk

Attachment C – Questionnaire Response Summary

Period Questionnaire Open: Sep. 25, 2022 – Oct. 25, 2022

Webpage Visits: 221

Surveys Filled: 22

Would you support allowing longer hours for general construction related noise during the week, if the shorter hours are maintained during the warmer months? (Choose any one option)

Responses were split evenly between support for and disagreement with extending hours during colder months. (11 – Yes, 11 – No, 1 – Don't Know)

Do you have any comments about regulating the hours of construction related noise on a seasonal basis? What do you consider are the benefits and drawbacks?

Main comments include:

- Many commenters felt that not extending hours would result in extended duration of construction and slowing down of making housing available (5 respondents)
- Many commenters felt that extending hours in the winter months would not be effective due to limitations on the kind of work that can be done and limited daylight hours (5 respondents)
- Several commenters suggested specific times that would be preferable, including extending later into the evening rather than starting earlier (2 respondents), ending by 8pm (1 respondent) and 8:00am- 6:00pm (1 respondent).
- Two commenters noted that extreme extensions can impact residents' sleep, resulting in health and wellness impacts.
- A commenter felt that noise is unavoidable in a growing city.
- A commenter felt that regulations were unnecessary as trades often finish at set times.

Would you support allowing concrete pouring and finishing which is a time sensitive process, to continue daily until 9:30 p.m. Monday to Friday when all other construction related noise must cease at 8:00 p.m.? (Choose any one option)

The majority of respondents indicated that they would support allowing concrete pouring and finishing until 9:30 on weekdays. (17 – Yes, 5 – No)

Do you have any comments about returning construction hours for concrete related work to 9:30 p.m. during the week? What do you consider the potential benefits and drawbacks?

- Many commenters felt that not extending hours would result in extended duration of construction and slowing down of making housing available. (6 respondents)

- Several commenters felt that, due to process of concrete related work, time restrictions should be flexible. (5 respondents)
- Two commenters felt that 9:30pm was too late and would negatively impact residents.
- A commenter felt that extensions on the weekend would also be appropriate.

Do you have any other comments related to construction noise hours?

- Many commenters supported extending hours to help reduce the time and cost associated with construction of housing projects. (7 respondents)
- Two commenters felt that construction noise negatively impacts residents health and wellbeing.
- Two commenters felt that construction noise is not a major concern. (2 respondents)
- Two commenters suggested specific times, including a maximum of 12 hours (1 respondent) and 8:00am- 6:00pm (1 respondent).
- One commenters identified a specific construction site as a concern.