

HALIFAX

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

Item No. 12.2
Halifax Regional Council
June 28, 2022

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 
Jacques Dubé, Chief Administrative Officer

DATE: May 11, 2022

SUBJECT: Noise Exemption Request – The Waegwoltic Club

ORIGIN

April 21, 2022 – Staff received an application from the Chief Executive Officer of The Waegwoltic for an exemption from By-law N-200, Respecting Noise, outlined as Appendix A.

LEGISLATIVE AUTHORITY

By-Law N-200, Respecting Noise, Part 6; Grant of Exemptions by Council.

RECOMMENDATION

It is recommended that Halifax Regional Council approve The Waegwoltic's application for an exemption from the provisions of the Noise By-law pursuant to the contents of this report and any matters raised at the public hearing.

BACKGROUND

On March 2, 2019 By-law N-205, Respecting Noise became effective. The By-law states under Section 3 of the **General Prohibition** section:

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.

Part 6 of the By-law, “**Grant of Exemptions by Council**”, allows for any person to send an application to Regional Council requesting an exemption from any or all provisions of the Noise By-law for which that person may be prosecuted. The By-law states that an applicant or any person opposed to an application may be heard at a session of Council. Notice of the Council Session is required to be mailed to assessed property owners located within 100 feet of the properties which are subject to the hearing.

Part 6A of the By-law, “**Grant of Exemptions by Staff**”, allows the CAO or delegate to grant an exemption for a recurring event where a previous application was approved by Regional Council. The exemption may be granted if there are no significant changes to the scope of the event and associated benefits should all information in the application be substantively the same as the application approved by Council.

In deciding whether or not to grant an exemption, Council is to give consideration to:

- the social or commercial benefit of the proposed activity to the municipality;
- the viewpoints of community residents;
- the proposed hours of operation of the proposed noise-emitting activity; and
- the proposed duration of the subject activity.

An excerpt from the Noise By-law detailing the exemption process is attached as Appendix B.

DISCUSSION

The Waegwoltic Club located at 6549 Coburg Road is a local private member club of swimming pools, tennis courts, recreational facilities, boat sailing program and full-service dining room. The Chief Executive Officer of The Waegwoltic has advised that they are looking for a noise exemption to be able to hold two fireworks displays.

The fireworks display is a member and guest event and can be viewed on the Northwest Arm and surrounding area and will be launched from the roof of the boathouse at The Waegwoltic Club.

Due to the prohibited dates and times identified in the By-law, a noise exemption is required to be able to host the above noted events. The organizers have advised that the firework displays will be for approximately 10 minutes in duration. Fireworks displays are currently not permitted to take place on these dates as set out in the By-law. The Waegwoltic is requesting a noise exemption from By-law N-200, Respecting Noise for the noise activity taking place on the following dates:

**Saturday, July 23rd, 2022 commencing at 9:00 p.m. and
Sunday, December 18th, 2022 commencing at 8:00 p.m.**

Notice of the Council Session at which the hearing is proposed to take place has been sent to property owners within 100 feet of the location identified in Appendix C.

Under subsections 6(3) and (5) of the Noise By-law, Council may consider any matters it deems appropriate at the hearing and either reject an application or approve it with or without conditions.

FINANCIAL IMPLICATIONS

No financial implications at this time.

RISK CONSIDERATION

No risk considerations were identified.

COMMUNITY ENGAGEMENT

The Waegwoltic Club is a locally owned business with ties to the community. There are no records of previous noise complaints received for this property.

ENVIRONMENTAL IMPLICATIONS

Appropriate waste and recycling practices will be followed. Containers are provided on site to facilitate proper sorting.

ALTERNATIVES

1. Regional Council may approve The Waegwoltic Club's application for an exemption from the provisions of the Noise By-law with conditions; or
2. Regional Council may reject The Waegwoltic Club's application for an exception from the provision of the Noise By-law in its entirety.

ATTACHMENTS

Appendix A: April 21, 2022 Application for Exemption from By-Law N-200, Respecting Noise

Appendix B: Excerpt from By-law N-200 respecting Noise re: Granting Exemptions by Council

Appendix C: Aerial view of property

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Tanya Phillips, Program Manager By-Law Standards 902.490.4491



Thursday, April 21, 2022

Dear Mayor Mike Savage and Halifax Regional Municipality Council Members,

For your consideration.

Please consider this request dated April 21st, 2022, as a formal request for the noise exemption for a fire works display on **July 23rd, 2022 at 9pm** and **December 18th 2022 at 8pm**.

Each fireworks display is less than ten (10) minutes in duration. The Display Fireworks Special Effect Event Approval / Purchase application would be submitted to Fire Prevention Division sixty (60) days prior to each scheduled event.

The display is a member and guest event and are widely viewed up and down the Northwest Arm and the immediate surrounding area.

The event viewing set up utilizes existing seating options or self brought options.

The display is to be launched from our boathouse roof at the Waegwoltic Club at 6549 Coburg Rd. We have used this location for several decades and have adhered to all regional safety protocols. I have developed a comprehensive safety plan for each event. On site event management fall to the Chief Executive Officer, David Greaves who can be contacted at anytime through email at [REDACTED] or via mobile phone or text at [REDACTED].

Thank you for your consideration and we look forward to working with all stakeholders for another great event.

Respectfully yours,

Original Signed

David e Greaves
Chief Executive Officer



From the desk of David Greaves

Appendix B

Excerpt from By-Law N-200 Respecting Noise re: Grant of Exemptions by Council and Grant of Exemptions by Staff.

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.

Appendix B

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.

Appendix C

