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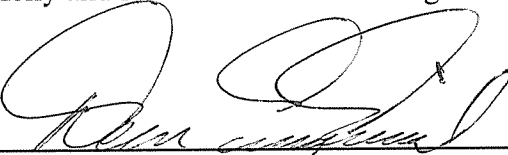


PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Halifax Regional Council**  
**May 25, 2004**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

  
\_\_\_\_\_  
Dan English, Acting Chief Administrative Officer

**DATE:** May 17, 2004

**SUBJECT:** **Noise By-Law Exemption Application - Canadian Cancer Society,  
Halifax Relay for Life**

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**ORIGIN**

May 14, 2004 application for an exemption from By-Law N-200, Respecting Noise, by the Canadian Cancer Society, Halifax Relay for Life outlined in Appendix A.

**RECOMMENDATION**

It is recommended that:

1. Regional Council approve the Canadian Cancer Societies, Halifax Relay for Life 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 hearing.

## **BACKGROUND**

In September, 1999 HRM Council adopted By-Law N-200, Respecting Noise. This by-law prohibits any person from engaging in any activity that unreasonably disturbs or tends to disturb the peace and tranquillity of a neighbourhood.

Section 6 of the By-Law 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 owners of property located within 100 feet of the property which is subject to the hearing.

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 Canadian Cancer Society is holding their "Relay for Life" event at the Nova Scotia Community College on Bell Rd. in Halifax. Funds will be raised through pledges and the purchase of Luminaries for \$5.00. All proceeds will be used to support cancer research, families affected by cancer, the Lodge That Gives located in Halifax, advocacy efforts and help Nova Scotians reduce their cancer risk.

An application for exemption from the Noise By-Law has been submitted by Mr. John Walsh, Event Chair for the Halifax Relay for Life. The application details that:

- the event starts at 7:00 P.M., Friday, June 11 and ends at 7:00 A.M., Saturday, June 12;
- approximately 500 people will participate in the event;
- each team member will raise a minimum of \$100.00;
- the relay is a 12-hour noncompetitive relay held in a smoke free and non alcoholic

environment;

- information about cancer and services/support will be available in the Cancer Smart Shop;
- local musicians and performers will provide entertainment as teams complete the relay;
- in 2003 the Halifax Relay for Life event raised \$100,000 of the total \$500,000 that was raised between five events across the province.

The applicant is requesting an exemption to the by-law as the music used to entertain the teams while completing the relay may conflict with the following provision of By-Law N-200, Respecting Noise:

**Section 3, Part 1 which states:**

**“No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquillity of a neighbourhood”**

Mailing out notices of the time, date and purpose of the Council Session at which the hearing is proposed to take place was not completed, as the assessed owner or owners as shown in the records of the Regional Assessment Office of properties located within 100 feet of the Nova Scotia Community College on Bell Rd., were owned by HRM or Her Majesty the Queen of Canada.

As indicated in the application, this event was approved during a meeting on May 5, 2004 by the Special Events Task Force of the Halifax Regional Municipality. As well, the Halifax Regional Police have indicated that they believe the event is being held in a location that should result in little or no concerns, and therefore are in full support of the Halifax Relay for Life taking place at the Nova Scotia Community College on Bell Rd.

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.

### **BUDGET IMPLICATIONS**

There are no budget implications.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

**ALTERNATIVES**

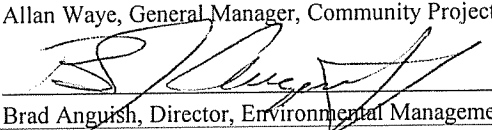
There are a number of alternatives available to Council in considering this application:

1. Approve the application without conditions;
2. Approve the application with conditions; or
3. Reject the application in its entirety.

**ATTACHMENTS**

Appendix A: May 14, 2004, application for Exemption from By-Law N-200, Respecting Noise; issued by the Canadian Cancer Society.

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

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.		
Report Prepared by:	Craig Horton, Project Controller, Community Projects, EMS	
Report Approved by:	Allan Waye, General Manager, Community Projects, EMS	490-6484
	 Brad Anguish, Director, Environmental Management Services	490-4825

**APPENDIX A**

May 14, 2004, application for Exemption from By-Law N-200, Respecting Noise; issued by the Canadian Cancer Society.

May.14. 2004 11:17AM 2 42Centura

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No.9356 P. 2/32



May 14, 2004

Municipal Clerks Office  
Halifax Regional Municipality  
Fax # 490-4208

To Whom It May Concern:

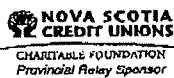
The Canadian Cancer Society, Halifax Relay For Life is requesting an exemption from the provisions of HRM By-Law Number N-200, Respecting Noise.

The Relay For Life will be held on Friday, June 11, 2004 at the Nova Scotia Community College on Bell Road in Halifax from 7pm -7am.

The funds you raise through pledges and the purchase of Luminaries will fund important cancer research, help Nova Scotians reduce their cancer risk, supports the Lodge That Gives located in Halifax, support families affected by cancer and support advocacy efforts.

*Relay For Life Event Overview*

- A 12 hour non-competitive relay held in a smoke free and non alcoholic event
- You can walk, run, jog, stroll, wheelchair (no in-line skates or skateboards please)
- Starts at 7:00pm, June 11 and ends at 7:00am, June 12
- Involves teams of 10 people or more
- Each team member raises a minimum of \$100
- Space for your tent is provided in our tent city  
Bring your cooler...go camping for the night!
- Visit our Cancer Smart Shop and get important information about cancer and services/support that are available
- Local musicians and performers will keep you entertained



Let's Make Cancer History  
Received Time May.14.3:10:42AM.cancer.ca



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CDN CAN SOC NSD

No.9356 P. 3/3

*Special Moments...*

We'll start our *Relay for Life* by celebrating cancer survivors as they kick off our event with the Survivor's Victory Lap.

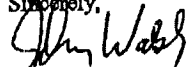
At dusk we'll pause for a special Luminary ceremony. Thousands of Luminaries placed around the Relay for Life track, will be lit in a very moving ceremony. Together, we'll take a few moments to reflect on the lives of those we are celebrating, honouring, and remembering. Luminaries can be purchased before or at the event at a cost of \$5 each.

We have met with and have been approved by the Special Events Task Force of the Halifax Regional Municipality as a result of our application and meeting held on May 5, 2004.

In 2003 the Halifax Relay For Life event raised \$100,000 and \$500,000 was raised between the five events across the province. This year Relay For Life is budgeted to raise \$800,000 between ten events across the province.

If you require additional information please call me at 468-8453 ext. 33.

Sincerely,



John Walsh  
Event Chair  
Halifax Relay For Life

CC: Mr. Craig Horton 490-7117

Received Time May.14. 10:42AM

**APPENDIX B**

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

**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.