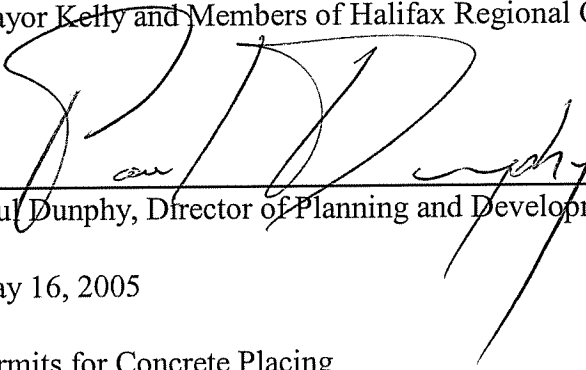


Halifax Regional Council
May 24, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


Paul Dunphy, Director of Planning and Development Services

DATE: May 16, 2005

SUBJECT: Permits for Concrete Placing

INFORMATION REPORT

ORIGIN

- July 5, 2005 staff report and Council motion requesting the Province approve amendments to the N. S. Building Code Regulations which would enable withholding of Building Permits pending confirmation of compliance with the Noise By-law.
- February 24, 2005 correspondence from the Minister of Labour indicating the Building Code Regulations will not be amended.
- March 8, 2005 Regional Council requested a staff report assessing the merits of introducing a Municipal Concrete Permit for placing and finishing concrete in the winter. Staff was also requested to explore means of ensuring contractors comply with the Noise By-law during winter concrete pours.

BACKGROUND

HRM's Noise By-law allows construction activity:

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

Any person may request an exemption from the Noise By-law and Council must hold a public hearing to consider such a request. If an exemption is approved, Council may still impose terms and conditions which must be complied with.

During the winter of 2003/04 several requests for Noise By-law exemptions were made to Council in order to permit the placement and finishing of concrete which takes longer to cure in cold weather. Some of these requests occurred after violations had already occurred and in reaction to neighbourhood complaints.

After further research and a presentation to Council by Dr. Wilbert Langley, staff determined that with improved project management, the majority of cold weather concrete pours would not require a Noise By-law exemption. Attention to matters such as concrete mix, additives and pour start times would allow the majority of projects to be completed within normal construction hours.

DISCUSSION

Administrative Changes

In anticipation of the 2004/05 winter construction season, staff implemented new administrative practices for large construction projects requiring concrete pouring/finishing. Staff review the hours of construction which the Noise By-law permits, provide a copy to applicants, review the process for seeking an exemption and identify the actions which will be taken for non-compliance. In addition, staff discuss with the contractor the construction methodology they intend to employ. This includes an examination of alternative techniques and options which will avoid or minimize extended pours and finishing. As a result, during the past winter there was a substantial reduction in the number of violations and no requests for exemptions.

Provincial Legislation

The Province has indicated they will not amend the Building Code Regulations to make issuance of Building Permit dependant upon confirmation that a contractor will comply with a municipal noise by-law. Introducing a Concrete Permit as a condition for issuing a Building Permit amounts to the same thing. This also requires Provincial approval and we can expect the same response.

Provincial legislation requires Building Permits for all processes associated with the assembly of buildings. The N. S. Building Code Regulations are the sole criteria which a municipality can apply to a project when reviewing a building permit application. A new municipal "concrete permit" to regulate concrete placement and finishing cannot introduce regulations which are not found in the N. S. Building Code Regulations. The Building Code Regulations do not regulate noise, hours of construction or efficient construction practices.

Notwithstanding that the Province has not supported Council's request with respect to the Noise By-law and is also unlikely to support a similar request for a concrete permit, staff will continue to

influence contractor behavior as described above. In addition, when construction related Noise By-law exemptions are requested, staff will present Council with an alternative project plan for consideration as well as the contractor's justification for not implementing this option.

Response to Violations

Police will continue to respond to Noise By-law violations, collect evidence and lay charges where a violation has occurred. Until recently, Planning and Development was not notified of construction related noise complaints/violations. Internal communication practices have been amended to ensure that Building Officials are notified. Police Services will still be the enforcement responder however Planning and Development Services will follow up with the contractor to continue the process of education regarding their obligations to comply with the Noise By-law and alternative construction practices which will achieve compliance with the By-law.

ALTERNATIVES

None at this time.

BUDGET IMPLICATIONS

None

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.

ATTACHMENTS

None

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.

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Report Reviewed by: Kellea Redden May 18/05
May 16/05 Kellea Redden, CMA, Financial Consultant, 490-6267