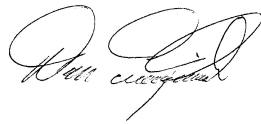


Item No. 9.3

**Halifax Regional Council
May 12, 2009**

TO: Mayor Kelly and Members of Halifax Regional Council



SUBMITTED BY: _____
Dan English, Chief Administrative Officer

DATE: April 30, 2009

SUBJECT: **Noise By-Law Exemption Application - Canadian Cancer Society,
Relay For Life Events in HRM during June 2009**

ORIGIN

March 3, 2009 application for an exemption from By-Law N-200, Respecting Noise, by the Canadian Cancer Society, Relay For Life outlined in Appendix A.

RECOMMENDATION

It is recommended that Regional Council approve the Canadian Cancer Societies, 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(ies) 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 following times and locations in HRM:

- **Halifax Citadel Hill, Halifax:**
(Friday, June 5th, 7PM - Saturday, June 6th, 9AM)
- **Eastern Shore Community Centre, 67 Park Road, Musquodoboit Harbour**
(Friday, June 5th, 7PM - Saturday, June 6th, 9AM)
- **Sir John A. MacDonald High School, 31 Scholars Road, Tantallon**
(Saturday, June 6th, 6PM - Sunday, June 7th, 8AM)
- **Metropolitan Field, Metropolitan Avenue, Sackville**
(Friday, June 12th, 7PM - Saturday, June 13th, 9AM)
- **CFB Shearwater, Dartmouth**
(Friday, June 19th, 7PM - Saturday, June 20th, 9AM)

Funds raised will be used to support cancer research, prevention initiatives, programs and services for people living with cancer and community support programs.

An application for exemption from the Noise By-Law has been submitted by Lisa Mullin, Community Coordinator, Canadian Cancer Society. The application details that the event:

- is an overnight event;
- is a non-competitive relay;
- honours and celebrates cancer survivors;
- commemorates those who have lost their lives to the disease;
- offers communities the opportunity to take up the fight against cancer;

The application also indicates that last June, communities across Canada united in the fight against cancer raised over \$50 million for research and prevention initiatives, programs and services for people living with cancer and community support programs.

The Canadian Cancer Society happily invites all members of Council to attend any of the abovementioned events.

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 to residents within 100 feet of each designated site identified above is complete.

Halifax Regional Police have indicated that they believe the Halifax Relay For Life event is being held in locations that should result in little or no concerns, and therefore are in full support of this worthy cause and event.

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 it's entirety.


ATTACHMENTS

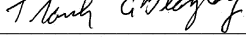
Appendix A: March 3, 2009, application for Exemption from By-Law N-200, Respecting Noise; issued by the Canadian Cancer Society.

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

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Superintendent Robin McNeil, Halifax Regional Police, 490-4817

Report Approved by: 
Deputy Chief A. Burbridge, Halifax Regional Police, 490-7138

Report Approved by: 
Chief Frank A. Beazley, Halifax Regional Police, 490-6500

APPENDIX A



Cancer Society
canadienne
du cancer

March 3, 2009

Municipal Clerks Office
Box 1749
Halifax, Nova Scotia
B3J 3A5

To Whom It May Concern,

The Canadian Cancer Society would like to request an exemption from the provisions of the HRM By-Law Number N-200, Respecting Noise for our Relay For Life events happening across HRM in the month of June.

Relay For Life is an overnight, non-competitive relay that honours and celebrates cancer survivors, commemorates those who have lost their lives to the disease, and offers communities the opportunity to take up the fight against cancer. This past June, communities across Canada united in the fight against cancer and had incredible results. Exceeding our every expectation and surpassing all our goals, these events raised over \$50 million last year for research and prevention initiatives, programs and services for people living with cancer and community support programs.

We are asking you today for your support in granting our exemptions. The Relay For Life events begin at 7 pm and continue until 7 am, after which there is a period of tear down for approximately 2 hours.

Relay For Life is occurring at:

- Halifax Citadel Hill, Halifax, Friday June 5 7 pm – Saturday June 6th 7 am.
- Eastern Shore Community Centre, 67 Park Road, Musquodoboit Harbour, June 5th 7 pm – June 6th 7 am
- Sir John A. MacDonald High School, 31 Scholars Road, Tantallon, June 6th 6 pm – June 7th – 6 am
- Metropolitan Field, Metropolitan Avenue, Sackville, June 12th 7 pm – June 13th 7 am
- CFB Shearwater, Dartmouth, June 19th 7 pm – June 20th 7 am.

To show our appreciation of your support, we invite all members of Council to attend any of the above noted events. *Relay For Life* continues to be a successful fundraising event for the Canadian Cancer Society. The support of our community partners is essential to this success – we cannot do it without you. I look forward to hearing from you and want to thank you in advance for your consideration.

Sincerely,

Lisa Mullin
Community Coordinator
73 Tacoma Drive, Dartmouth
462-4725 ex 27
CC: Craig Horton
hortonc@halifax.ca

celebrate

remember

fight back

www.cancer.ca/relay

Toll Free : 1-800-639-0222

Charitable Reg. #: 11882 9803 RR0009 (Can)

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.