
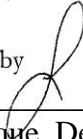


Item No. 9.1 (ii)
Halifax Regional Council
March 6, 2012

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer

Original Signed by 
Mike Labrecque, Deputy Chief Administrative Officer

DATE: February 15, 2012

SUBJECT: Noise By-law Exemption, Canadian Cancer Society's 2012 Relay for Life

ORIGIN

January 11, 2012 – Staff received an application for an exemption from By-Law N-200, respecting Noise, by the Canadian Cancer Society, Relay for Life outlined as Appendix A.

RECOMMENDATION

It is recommended that Halifax Regional Council approve the Canadian Cancer Society Relay for Life application for an exemption from the provisions of the Noise By-Law pursuant to the schedule attached as Appendix C.

BACKGROUND

In September, 1999 HRM Council adopted By-Law N-200, Respecting Noise. The By-law states under the **General Prohibition** section:

3. (1) No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility 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.

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. The By-Law further 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 may become subject to the terms of a requested exemption.

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 requesting an exemption to By-Law N-200 for the sites identified in Appendix C. All of these sites have been used in past events for the Relay for Life and, at that time, have been granted exemptions.

Other activities of the relay such as staging, tents, security fencing, sound equipment and run markers will be set up and taken down during daylight hours. The exemptions are requested as events during the evening and night such as music used to entertain the relay teams, presentations and other associated noise may be construed as in violation of By-law N-200, Respecting Noise.

Halifax Regional Police, Halifax District RCMP and Canadian Forces Military Police have been contacted. They have not advised of any concerns regarding this application.

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 identified locations.

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, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

Community Engagement as described by the Community Engagement Strategy is not applicable to this process. The procedure for public notification is mandated by the Noise By-Law and as such abutting neighbours have been notified of these requests for exemption. Staff have communicated with the RCMP, HRP and Military Police supporting the communities in which the relays are taking place. HRP have advised of their concurrence with this event while other agencies have not indicated they have any concerns.

ALTERNATIVES

1. Approval of the application without conditions;
2. Approval of the application subject to conditions; or
3. Rejection of the application in its entirety.

ATTACHMENTS

- Appendix A: January 11, 2012 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: The 2012 Halifax Relay for Life Schedule of Exemptions

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: Tanya Phillips, Manager By-Law Services, Community and Recreational Services

Report Approved by:

Jim Donovan, Manager, Municipal Compliance, 490-6224

Report Approved by:

Brad Anguish, Director of Community and Recreational Services, 490-4933

APPENDIX A



Canadian Cancer Society
Société canadienne du cancer

NOVA SCOTIA DIVISION

January 11, 2012

Mr. Billy Comer
Civic Events Coordinator
Halifax Regional Municipality

Dear Mr. Comer,

Whereas The Canadian Cancer Society - Nova Scotia Division will be staging an event (Halifax Relay for Life) on the Halifax Common June 1st, 2012, we hereby make application to the Halifax Regional Council for exemption from section 3(1) of the Halifax Regional Municipality Noise Bylaw. The section reads, "No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood."

The Canadian Cancer Society would like to include the following HRM events for Noise Bylaw exemptions:

- Metro Universities Relay, Dalplex – Dalhousie University
(Friday March 9th, 7PM – Saturday March 10th, 7AM)
- Halifax Commons, Halifax:
(Friday, June 1st, 7PM - Saturday, June 2nd, 9AM)
- Eastern Shore Community Center, Musquodoboit Harbour:
(Friday, June 8th, 7PM - Saturday, June 9th, 9AM)
- Sir John A. MacDonald High School, 31 Scholars Road, Tantallon
(Saturday, June 9th, 6PM - Sunday, June 10th, 8AM)
- Metropolitan Field, Metropolitan Avenue, Sackville
(Friday, June 8th, 7PM - Saturday, June 9th, 9AM)
- CFB Shearwater, Dartmouth
(Friday, June 15th, 7PM - Saturday, June 16th, 9AM)

The set up and dismantling of the Halifax event will take place from the afternoon of June 1st, 2012 until the morning of June 2nd, 2012.

The Halifax Relay for Life is expecting 1000 participants, 150 volunteers, and 50 staff and crew. These groups will be camping overnight. 100 Cancer Survivors and 100 spectators are expected to attend- but will not be camping overnight.

Volunteers will arrive at noon on June 1st to begin site preparation (delivery of stage rentals, tents and security fencing). Sound checks for the on-site D.J. will begin at 4pm on June 1st. Music and presentations will be done from a main stage throughout the night. In previous years the Halifax Relay For Life had been granted a Noise By-Law exemption.

Each overnight participant will stay overnight with their team members in a tent. We expect 110 tents to be erected on site.

The Relay is scheduled to end at 7am on June 2nd. Clean up would be taken care of by a group of Volunteers and would take place between 7am and noon on that day.

There are no services required to accommodate this event. The Canadian Cancer Society will be taking care of security and washroom facilities (portable toilets) for the event. However, access to flush toilets and electricity would be valuable to us if available.

Thank you for your support of this request. If you have any further questions please do not hesitate to contact me at telephone number 902.423.6183 ext 247.

Sincerely,

A handwritten signature in black ink, appearing to read 'Valentin Mocanu', with a stylized flourish at the end.

Valentin Mocanu
District Coordinator
Canadian Cancer Society
Tel: 902.423.6183 ext 247
Email: valentin.mocanu@ns.cancer.ca

APPENDIX B

Excerpt from By-Law N-200 Respecting Noise re: Granting 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.

APPENDIX C

The 2012 Halifax Relay for Life Schedule of Exemptions

- Metro Universities Relay, Dalplex – Dalhousie University
(Friday, March 9th, 7PM – Saturday March 10th, 7AM)
- Halifax Commons, Halifax:
(Friday, June 1st, 7PM - Saturday, June 2nd, 9AM)
- Eastern Shore Community Center, Musquodoboit Harbour:
(Friday, June 8th, 7PM - Saturday, June 9th, 9AM)
- Sir John A. MacDonald High School, 31 Scholars Road, Tantallon
(Saturday, June 9th, 6PM - Sunday, June 10th, 8AM)
- Metropolitan Field, Metropolitan Avenue, Sackville
(Friday, June 8th, 7PM - Saturday, June 9th, 9AM)
- CFB Shearwater, Dartmouth
(Friday, June 15th, 7PM - Saturday, June 16th, 9AM)