

Item No. 1
Halifax Regional Council
July 10, 2012

TO: Mayor Kelly and Members of Halifax Regional Council

Original Signed by Director

SUBMITTED BY:

Brad Anguish, Director, Community and Recreation Services

DATE: June 20, 2012

SUBJECT: By-law N-200 Respecting Construction Noise

INFORMATION REPORT

Motion of Regional Council - September 13, 2011 (item 13.1)

The following motion was put and passed:

“Councillor Adams, seconded by Councillor Sloane that Halifax Regional Council request a staff report considering options in regard to By-Law N-200 Respecting Noise – Construction Hours, in that the time permitted for commencement of rock crushing/breaking on site be changed from 7:00 a.m. to 8:00 a.m. on weekdays.”

BACKGROUND

Councillor Adams explained that he has received numerous complaints in regards to rock crushing/breaking activity commencing at 7:00 a.m. which is not conducive to a reasonable standard of living.

Subsequent to the motion at Council, staff followed up and clarity was provided by Councillor Adams that the key issue was noise in relation to rock breaking and not crushing. The specific request is that rock breaking have restrictions which would preclude this type of activity from commencing prior to 8 a.m.

By-law N-200 Noise identifies, in Schedule “A”, activities which would be considered to disturb the peace and tranquility of a neighbourhood. The activity of rock crushing/breaking is considered construction activity and is identified under Part 3 of the By-law as follows:

“Part 3

Activities originating from within a residential area that unreasonably disturb the peace and tranquillity of a resident, at the specified times, where the sound resulting therefrom is audible at a point of reception.

11. Construction and the operation of any equipment in connection with construction; (A)

The activity is considered reasonable if occurring between the hours:

- 7:00 a.m. – 9:30 p.m. on weekdays
- 8:00 a.m. – 7:00 p.m. on Saturdays
- 9:00 a.m. – 7:00 p.m. on Sundays and holiday”

There are currently no restrictions in the land use legislation respecting rock breaking.

DISCUSSION

Staff reviewed Noise By-law legislation in other Canadian cities with respect to construction noise. The cities of Saint John, Toronto, Ottawa, Regina and Edmonton have legislation with respect to construction noise activity. The activity is consideration permissible as follows:

- Saint John 7:00 a.m. – 9:00 p.m.

- Toronto 7:00 a.m. – 7:00 p.m. Monday to Friday
 9:00 a.m. – 7:00 p.m. Saturday
 no construction noise Sundays and statutory holidays

- Ottawa 7:00 a.m. – 11:00 p.m.
 9:00 a.m. – 11:00 p.m. Sundays and statutory holidays

- Regina 7:00 a.m. – 10:00 p.m.

Edmonton 7:00 a.m. – 10:00 p.m. Monday through Saturday
9:00 a.m. – 7:00 p.m. Sunday and holidays

Based on the research, HRM's By-law N-200 Respecting Noise is consistent with other Canadian cities.

Staff also met with the Construction Association of Nova Scotia, the Nova Scotia Road Builders Association and the Nova Scotia Home Builders Association to discuss the impacts a change in hours of operation may have on industry. Following the meeting, correspondence was received articulating industry concerns. The following are some of the primary objections identified by industry:

- increased costs of conducting business (i.e., more labour and longer project timelines);
- anticipated daytime disruptions in traffic flow due to movement of goods, supplies, setup, etc.; and
- labour retention issues will increase with shorter days (i.e., a five hour per week reduction equates to 13% less wages relative to a forty hour week).

As an alternative, industry associations are requesting to work closely with HRM staff in dealing with alleged offenders. This approach is now under way.

Based upon the municipal by-law comparisons and the feedback received from construction industry associations, staff would not recommend amending By-law N-200 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, 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

Staff met with the Construction Association of Nova Scotia, the Nova Scotia Road Builders Association and the Nova Scotia Home Builders Association to discuss the impacts a change in hours of operation may have on industry. The primary objections raised by the industry are outlined in the discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications identified.

ATTACHMENTS

None

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 Standards, 490-4491

Original Signed

Report Approved by: _____
Jim Donovan, Manager, Municipal Compliance, 490-6224
