
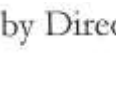


Item No. 9.2
Halifax Regional Council
February 19, 2013

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 
Mike Labrecque, Acting Chief Administrative Officer

Original Signed by Director

Brad Anguish, Director of Community and Recreation Services

DATE: January 18, 2013

SUBJECT: Noise By-Law Exemption - Canadian Cancer Society's 2013 Relay for Life

ORIGIN

November 27, 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.

LEGISLATIVE AUTHORITY

By-Law N-200, Respecting Noise, Part 6; Grant of Exemptions by Council.

RECOMMENDATION

It is recommended that Halifax Regional Council approve the Canadian Cancer Society Relay for Life's 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 public hearing.

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 tranquillity of a neighbourhood.
- (2) Without limiting the generality of subsection (1), the activities listed in Schedule “A” during the prohibited times and places as set out therein are deemed to be activities that unreasonably disturb the peace and tranquillity 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.

Part 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 property owners located within 100 feet of the properties which are 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 requesting an exemption to By-Law N-200 for the various sites involved in the 2013 Relay for Life (attached as Appendix C). These sites have been used in past for Relay for Life events, with exemptions being granted.

The organizing committee advises staging, tents, security fencing, sound equipment and run markers will be set up and torn down during daylight hours. The music used to entertain the teams through the night, presentations, and associated noise, may be considered in violation of By-law N-200, Respecting Noise.

Each of the Relay for Life events are scheduled to start at 7 p.m. and conclude by 7:00 a.m. the following day. The clean-up for the events will take place between 7:00 a.m. to noon and be completed by a combination of volunteers and paid clean-up crews.

There are no services required to accommodate the events. The Canadian Cancer Society will be organizing security and washroom facilities for the events.

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 locations identified in Appendix C.

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.

FINANCIAL IMPLICATIONS

There are no financial implications

COMMUNITY ENGAGEMENT

Staff consulted with Halifax Regional Police, RCMP and Military Police supporting the communities where the events will be taking place. Military Police and HRP have advised they have no concerns regarding the events. The RCMP have not indicated they have concerns.

ENVIRONMENTAL IMPLICATIONS

Event organizers have confirmed appropriate waste and recycling practices will be followed. Containers will be provided on site to facilitate proper sorting, recycling, composting and garbage collection.

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: | November 27, 2012 application for Exemption from By-Law N-200, Respecting Noise |
| Appendix B: | Excerpt from By-Law N-200 respecting Noise; Grant of Exemptions by Council |
| Appendix C: | The 2013 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 Standards, Community and Recreation Services, 490-4491

Original Signed

Report Approved by:

Jim Donovan, Manager, Municipal Compliance, 490-6224

APPENDIX A



November 27, 2012

Ms. Erin Dobson
Regional Coordinator, Support Services Municipal Compliance
Community and Recreation Services
Halifax Regional Municipality

Dear Ms. Dobson:

Whereas The Canadian Cancer Society - Nova Scotia Division will be staging an event (Halifax Relay For Life) on the Halifax Common June 7, 2013, 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 For Life, Dalplex – Dalhousie University
(Friday, March 8, 7PM – Saturday, March 9, 7AM)
Expected # Participants: 475 Expected # Volunteers: 40
- The Bay Relay For Life – Sir John A. MacDonald High School, 31 Scholars Road, Tantallon
(Saturday, June 1, 7PM - Sunday, June 2, 7AM)
Expected # Participants: 150 Expected # Volunteers: 40
- Sackville Relay For Life – Metropolitan Field, Metropolitan Avenue, Sackville
(Friday, June 7, 7PM - Saturday, June 8, 7AM)
Expected # Participants: 475 Expected # Volunteers: 50
- Halifax Relay For Life – Halifax Commons
(Friday, June 7, 7PM – Saturday, June 8, 7AM)
Expected # Participants: 700 Expected # Volunteers: 100
- Dartmouth Relay For Life – CFB Shearwater
(Friday, June 21, 7PM – Saturday, June 22, 7AM)
Expected # Participants: 600 Expected # Volunteers: 80

- Eastern Shore Relay for Life – Eastern Shore Community Centre
(Friday, June 14, 7PM – Saturday, June 15, 7AM)
Expected # Participants: 150 Expected # Volunteers: 35

The set up and dismantling of the Halifax (Commons) event will take place from the afternoon of June 7th, 2013 until the morning of June 8th, 2013.

The Halifax Relay For Life (Commons Event) is expecting 700 participants, 100 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 event day to begin site preparation on the Halifax Commons (delivery of stage rentals, tents and security fencing). Sound checks for the on-site D.J. will begin at 4pm. Music and presentations will be done from a main stage throughout the night. In previous years the HRM Relays have been granted a Noise By-Law exemption.

Each overnight participant will stay overnight with their team members in a tent. In Halifax at the Commons event, we expect 100 tents to be erected on site.

Each Relay is scheduled to conclude the following day at 7:00 a.m. Clean up would be taken care of by a combination of volunteers and paid clean-up crews and would take place between 7:00 a.m. and noon on that day. At each site we ensure that waste is properly sorted by recycling, compost and garbage. During each event receptacles are provided, additional sorting also occurs on site post event.

There are no services required to accommodate these events. The Canadian Cancer Society will be taking care of security and washroom facilities (portable toilets and/or indoor toilets where the facilities have agreed) 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 x 247.

Sincerely,

Original signed

Emily Snooks
District Coordinator, Canadian Cancer Society
Tel. 902-423-6183 x 247
Email: emily.snooks@ns.cancer.ca

APPENDIX B

Excerpt from By-Law N-200 Respecting Noise

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 2013 Relay for Life Schedule of Exemptions

The sites for 2013, including hours of operation, are:

Metro Universities Relay For Life (indoor event) – Dalhousie University Dalplex
Friday, March 8, 2013- 7 p.m. to Saturday, March 9, 2013- 7 a.m.

The Bay Relay for Life, Sir John A. MacDonald High School, 31 Scholars Road, Tantallon
Saturday, June 1, 2013- 7 p.m. to Sunday, June 2, 2013- 7 a.m.

Sackville Relay for Life – Metropolitan Field, Metropolitan Avenue, Sackville
Friday, June 7, 2013- 7 p.m. to Saturday, June 8, 2013- 7 a.m.

Halifax Relay for Life – Halifax Commons
Friday, June 7, 2013- 7 p.m. to Saturday, June 8, 2013 -7 a.m.

Eastern Shore Relay for Life – Eastern Shore Community Centre
Friday, June 14, 2013- 7 p.m. to Saturday, June 15, 2013- 7 a.m.

Dartmouth Relay for Life – CFB Shearwater
Friday, June 21, 2013- 7 p.m. to Saturday, June 22, 2013- 7 a.m.