

**Item No. 9.1**

**Halifax Regional Council**

**February 25, 2014**

**March 4, 2014**

**TO:** Mayor Savage 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:** January 21, 2014

**SUBJECT:** Noise By-Law Exemption – Canadian Cancer Society’s 2014 Relay for Life

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**ORIGIN**

January 10, 2014 – 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 Section 3 of 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, “**Grant of Exemptions by Council**”, 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 2014 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 for 12 hours and most events start at 7 p.m. and conclude by 7:00 a.m. the following day. Two events are scheduled for alternate times:

The Bay Relay for Life, Sir John A. MacDonald High School, is scheduled from 6 p.m. to 6 a.m.; and The Halifax Relay for Life, Halifax Commons, is scheduled from 12 p.m. to midnight.

The clean-up and dismantling for the events will take place between 7 a.m. to noon, and will 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; all have advised they have no concerns regarding the events.

### **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**

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|-------------|---|
| Appendix A: | January 10, 2014 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 2014 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

Report Approved by:

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Jim Donovan, Manager, Municipal Compliance, 490-6224

Report Approved by:

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

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## APPENDIX A



Jan.10, 2014

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 Oval Saturday, June 7 2014, 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 (INDOORS)  
(Friday, March 7, 7PM – Saturday, March 8, 7AM)  
Expected # Participants: 475      Expected # Volunteers: 40
- The Bay Relay For Life - Sir John A. MacDonald High School, 31 Scholars Road, Tantallon  
(Saturday, June 7, 6PM - Sunday, June 8, 6AM)  
Expected # Participants: 150      Expected # Volunteers: 40
- Sackville Relay For Life - Metropolitan Field, Metropolitan Avenue, Sackville  
(Friday, June 6, 7PM - Saturday, June 7, 7AM)  
Expected # Participants: 475      Expected # Volunteers: 50
- Halifax Relay For Life - Halifax Commons:  
(Saturday, June 7, Noon – Sunday, June 8, Midnight)  
Expected # Participants: 700      Expected # Volunteers: 100

- Dartmouth Relay For Life, CFB Shearwater  
(Friday, June 13, 7PM – Saturday, June 14, 7AM)  
Expected # Participants: 600      Expected # Volunteers: 80

- Eastern Shore – Eastern Shore Community Centre  
(Friday, June 13, 7PM – Saturday, June 14, 7AM)  
Expected # Participants: 150      Expected # Volunteers: 35

The set up and dismantling of the Halifax event will take place from the early morning of June 7th until the morning of Sunday, June 8<sup>th</sup>.

The Halifax Relay For Life is expecting 700 participants, 100 volunteers, and 50 staff and crew. These groups will be setting up small personal tents for the duration of the event. 100 Cancer Survivors and 100 spectators are expected to attend.

Staff and volunteers will arrive on event day approximately 6 hours prior to the event opening to begin site preparation (delivery of stage rentals, tents and security fencing). Sound checks for the on-site D.J. will begin at 10 a.m. Music and presentations will be done from a main stage throughout the day. In previous years the HRM Relays have been granted a Noise By-Law exemption.

Each participant will stay on site with their team members in a small personal tent. In Halifax, we expect 100 personal sized tents to be erected on site.

Each Relay is scheduled to conclude twelve hours from the start time. Clean up would be taken care of by a combination of volunteers and paid clean-up crews and would take place 12 hours after the event(s) begin. At each site we ensure that waste is properly sorted by recycling, compost and garbage. During the event receptacles for each are provided, additional sorting also occurs on site post event.

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 x 247.

Sincerely,

ORIGINAL SIGNED

Emily Snooks  
Senior District Coordinator, Canadian Cancer Society  
Tel. 902-423-6183 x 247  
Email: [emily.snooks@ns.cancer.ca](mailto:emily.snooks@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 2014 Relay for Life Schedule of Exemptions**

The sites for 2014, including hours of operation are:

- Metro Universities Relay For Life, Dalplex – Dalhousie University (INDOORS)  
(Friday, March 7, 7PM – Saturday, March 8, 7AM)
- The Bay Relay For Life - Sir John A. MacDonald High School, 31 Scholars Road, Tantallon  
(Saturday, June 7, 6PM - Sunday, June 8, 6AM)
- Sackville Relay For Life - Metropolitan Field, Metropolitan Avenue, Sackville  
(Friday, June 6, 7PM - Saturday, June 7, 7AM)
- Halifax Relay For Life - Halifax Commons:  
(Saturday, June 7, Noon – Sunday, June 8, Midnight)
- Dartmouth Relay For Life, CFB Shearwater  
(Friday, June 13, 7PM – Saturday, June 14, 7AM)
- Eastern Shore – Eastern Shore Community Centre  
(Friday, June 13, 7PM – Saturday, June 14, 7AM)