



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 9.1
Halifax Regional Council
May 11, 2010

TO: Mayor Kelly and Members of Halifax Regional Council

A handwritten signature in cursive script, appearing to read "Dan English".

SUBMITTED BY:

Dan English, Chief Administrative Officer

DATE: April 27, 2010

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

ORIGIN

February 12, 2010 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 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 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 property owners 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

Canadian Cancer Society's Relay for Life

The Canadian Cancer Society was recently granted exemption from By-Law N-200, respecting noise for their Relay for Life event at Halifax Common. They are also requesting exemption from By-Law N-200 for the following events:

- Eastern Shore Community Centre, 67 Park Road, Musquodoboit Harbour (Friday, June 11th, 7PM - Saturday, June 12th, 9AM)
- Sir John A. MacDonald High School (Tantallon Centennial Field), 31 Scholars Road, (Saturday, June 5th, 6PM - Sunday, June 6th, 9AM)
- Metropolitan Field, Metropolitan Avenue, Sackville (Friday, June 11th, 7PM - Saturday, June 12th, 9AM)
- CFB Shearwater, Dartmouth (Friday, June 18th, 7PM - Saturday, June 19th, 9AM)

Event setup will be during daytime hours. Tents, sound equipment and run markers will be put into place. Information booths, cancer research awareness areas and rest areas will be placed strategically throughout the event sites.

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 Emily Newkirk of the 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 raising over \$49 million for research and prevention initiatives, programs and services for people living with cancer and community support programs.

The Canadian Cancer Society is requesting an exemption to the by-law, as the music used to entertain the teams while competing in the relay and other associated noise may be in violation of 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”

Notice of the Council Session at which the hearing is proposed to take place have been sent to property owners within 100 feet of the locations mentioned above.

Halifax Regional Police believe the Halifax Relay for Life event should result in minimal concern and therefore support this 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;
3. Reject the application in it's entirety.


ATTACHMENTS

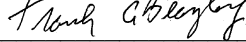
Appendix A: February 12, 2010 application for Exemption from By-Law N-200, Respecting Noise by a representative from the Canadian Cancer Society.

Appendix B: Excerpt from By-Law N-200 Respecting Noise re: Granting 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 490-4205.

Report Prepared by: Superintendent William Moore, Halifax Regional Police

Report Reviewed by: 
Deputy Chief A Burbridge, Halifax Regional Police

Report Approved by: 
Chief Frank A Beazley, Halifax Regional Police

APPENDIX A

An application for exemption from By-Law N-200: Canadian Cancer Society



February 12, 2010

Mr. Billy Comer
Civic Events Coordinator
HRM Special Events Task Force

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 4th, 2010, 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:

- Halifax Commons, Halifax:
(Friday, June 4th, 7PM - Saturday, June 5th, 9AM)
- Eastern Shore Community Centre, 67 Park Road, Musquodoboit Harbour
(Friday, June 11th, 7PM - Saturday, June 12th, 9AM)
- Sir John A. MacDonald High School, 31 Scholars Road, Tantallon
(Saturday, June 5th, 6PM - Sunday, June 6th, 8AM)
- Metropolitan Field, Metropolitan Avenue, Sackville
(Friday, June 11th, 7PM - Saturday, June 12th, 9AM)
- CFB Shearwater, Dartmouth
(Friday, June 18th, 7PM - Saturday, June 19th, 9AM)

The set up and dismantling of the Halifax event will take place from June 4th, 2010 until June 5, 2010.

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 4th 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 4th. 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. In addition to this a large modular style tent would be erected to accommodate our registration operations.

The Relay is scheduled to end at 7am on June 5th. Clean up would be taken care of by a group of Volunteers and would take place between 7am and noon.

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 902-462-4725.

Sincerely,



Emily Newkirk
District Coordinator, Canadian Cancer Society
Tel. 902-462-4725
Email: emily.newkirk@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.