

HALIFAX

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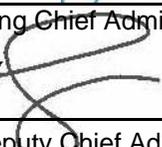
Item No. 11.1
Halifax Regional Council
April 26, 2016

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY:

John Traves, Q.C. Acting Chief Administrative Officer

Original Signed by 

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: March 22, 2016

SUBJECT: Noise By-Law Exemption – Canadian Cancer Society's 2016 Relay for Life

ORIGIN

On February 1, 2016, staff received an application for an exemption from By-Law N-200, Respecting Noise, by the Canadian Cancer Society, Relay for Life, as 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, Respecting Noise for the various sites involved in the 2016 Relay for Life (attached as Appendix C). These sites have been used for past 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.

Most of the Relay for Life events are scheduled for 6 hours and start at either at 6 p.m. concluding at midnight or starting at 7 p.m. concluding at 1 a.m.

The clean-up and dismantling for the events will take place immediate following the events and will be completed by a combination of volunteers and paid clean-up crews.

Part 4 of the noise by-law provides for prescribed exemptions as follows:

“4 (2) (g) noises in relation to municipal parades, street dances or other community activities until one o'clock in the forenoon”

The Relay for Life organizing committee is requesting an exemption from By-law N-200, Respecting Noise to complete site clean-up on the following dates and times:

- Halifax Relay For Life – Citadel Hill
Saturday June 4, 1:00 a.m. to 2 a.m.
- The Bay Relay For Life - Sir John A. MacDonald High School, 31 Scholars Road, Tantallon
Sunday, June 5, 12:00 a.m. to 2 a.m.
- Eastern Shore Relay For Life, Eastern Shore Community Centre
Saturday June 11, 12:00 a.m. to 2 a.m.
- Sackville Relay For Life – Acadia Park, Lower Sackville
Saturday June 11, 1:00 a.m. to 2 a.m.

- Dartmouth Relay For Life, 12 Wing CFB Shearwater
Saturday June 11, 1:00 a.m. to 2 a.m.

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.

RISK CONSIDERATION

There are no significant risks associated with the recommendation in this report. A request is being made for Council to approve a noise exemption request for the various sites involved in the 2016 Relay for Life. The risks considered rate Low.

COMMUNITY ENGAGEMENT

Relay For Life is a community fundraising event where Canadians across the country join together in the fight against cancer. In 2015, over 330 relays took place across Canada.

Relay For Life began in 1985 as a one person event in Tacoma Washington, it has grown to over 5000 Relay For Life events across 20 countries.

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

1. Approve the application with conditions; or
2. Reject the application in its entirety.

ATTACHMENTS

- Appendix A: February 1, 2016 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 2016 Relay for Life Schedule of Events

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Tanya Phillips, Manager By-Law Standards, 902.490.4491

Report Approved by: _____
Jim Donovan, Manager, Municipal Compliance, 902.476.8211

Report Approved by: _____
Bob Bjerke, Chief Planner and Director, Planning and Development, 902.490.1627

APPENDIX A



Canadian Cancer Society
Société canadienne du cancer

NOVA SCOTIA DIVISION

February 1st, 2016

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) at Citadel Hill, Friday, June 3rd, 2015, 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:

- The Bay Relay For Life - Sir John A. MacDonald High School, 31 Scholars Road, Tantallon (Saturday, June 4, 6PM - Sunday, June 5, 12AM)
Expected # Participants: 150 Expected # Volunteers: 40
- Sackville Relay For Life – Acadia Park, Lower Sackville (Friday, June 10, 7PM - Saturday, June 11, 1AM)
Expected # Participants: 475 Expected # Volunteers: 50
- Halifax Relay For Life – Citadel Hill: (Friday June 3, 7pm to Saturday, June 4, 1am)
Expected # Participants: 700 Expected # Volunteers: 100
- Dartmouth Relay For Life, 12 Wing CFB Shearwater (Friday, June 10, 7PM – Saturday, June 11, 1AM)
Expected # Participants: 600 Expected # Volunteers: 80
- Eastern Shore Relay For Life, Eastern Shore Community Centre (Friday, June 10, 6PM – Saturday, June 11, 12AM)
Expected # Participants: 150 Expected # Volunteers: 35

Music and presentations will be done from a main stage throughout the events. 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 tent. In Halifax, we expect 100 personal sized tents to be erected on site.

Each Relay is scheduled to conclude twelve hours or six 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, ext. 247.

Sincerely,

Melanie Matheson
District Coordinator, Canadian Cancer Society
Tel. 902-423-6183, ext. 247
Email: melanie.matheson@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 2016 Relay for Life Schedule

The sites for 2016, including hours of operation are:

- Halifax Relay for Life – Citadel Hill:
(Friday June 3, 7PM – Saturday, June 4, 1AM)
- The Bay Relay for Life - Sir John A. MacDonald High School, 31 Scholars Road, Tantallon
(Saturday, June 4, 6PM – Sunday, June 5, 12AM)
- Eastern Shore Relay for Life, Eastern Shore Community Centre
(Friday, June 10, 6PM – Saturday, June 11, 12AM)
- Sackville Relay for Life – Acadia Park, Lower Sackville
(Friday, June 10, 7PM – Saturday, June 11, 1AM)
- Dartmouth Relay for Life, 12 Wing CFB Shearwater
(Friday, June 10, 7PM – Saturday, June 11, 1AM)