


**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:**

Original Signed by 

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Jacques Dubé, Chief Administrative Officer

**DATE:** September 17, 2018

**SUBJECT:** Amending By-law N-200, the Noise By-law

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**ORIGIN**

Staff are bringing this recommendation forward as part of the Joint Project for Regulatory Modernization to reduce red tape for business and streamline service delivery

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter*, R.S.N.S. 2008, c. 39,:

Subsection 188(1) The Council may make by-laws, for municipal purposes, respecting:

(d) nuisances, activities and things that, in the opinion of the Council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations and, without limiting the generality of the foregoing, by-laws

(i) prescribing a distance beyond which noise must not be audible,

(ii) distinguishing between one type of noise and another,

(iii) providing that any noise or sound greater than a specific decibel level or other measurement of noise or sound is prohibited,

(iv) prescribing the hours during which certain noises, or all noise above a certain level, specified in the bylaw is prohibited,

(v) authorizing the granting of exemptions in such cases as the by-law provides,

(vi) providing that it is an offence to engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquillity of a neighbourhood;

By-law N-200, the *Noise By-law*

**RECOMMENDATION**

It is recommended that Halifax Regional Council adopt By-law N-205, amending By-law N-200, the *Noise By-law*, to allow noise exemption applications to be approved by staff provided the applications meet the criteria as set out in Attachment B to this report.

## **BACKGROUND**

Staff, Regional Council and members of the public are seeking changes to the by-law for noise exemptions for annual events. The Joint Project for Regulatory Modernization is a partnership with the Province, in collaboration with an Advisory Panel to reduce unnecessary regulatory burden for business. The Joint Project action plan for 2017/18 identified the proposed amendment to the Noise By-law as an improvement that would have a tangible positive impact on business and Municipal operations. (See the Joint Project Action Plan at: <https://www.halifax.ca/business/doing-business-halifax/reducing-red-tape> The current process for obtaining a noise exemption requires a staff report and a public hearing at Regional Council. Due to the current requirements, it can take 4-6 weeks before an exemption request can be presented to Regional Council. Staff recommend changes be made to the noise exemption application process so that an exemption may be approved by a staff member appointed by Regional Council. This will significantly reduce the time to process the noise exemption and provide better customer service to members of the public and the business community.

## **DISCUSSION**

Staff are recommending that By-law N-200 continue to require that the initial application request for a noise exemption be approved by Regional Council. The amendment that staff is proposing is for Regional Council to designate staff to approve the noise exemption application for annual or reoccurring events, such as Halifax Jazz Festival, Canadian Cancer Society Relay for Life, etc. Staff recommends that Regional Council approve the criteria that staff would consider in reviewing a noise exemption and that if the criteria is met, the CAO or delegate would approve the exemption request:

### **Grant of Exemptions by Staff**

6A (1) Subject to section 6,

(i) where a person makes an application for an exemption from the provisions of this By-law for a reoccurring event, and

(ii) a previous application for an exemption from the provisions of this By-law for the event was approved by Council,

the exemption may be granted by the CAO.

(2) An exemption may be granted by the CAO where:

(a) the date, time, location and duration are consistent with the previous application;

(b) the applicant states the social, economic and community benefit in their application; and

(c) all over information contained in the application is substantively the same as the application approved by Council.

(3) The CAO may delegate the authority under subsections (1) and (2) to the staff that oversees the noise exemption application process.

The current noise exemption application approval takes 4-6 weeks to process. Staff believe that with the proposed amendments noted above, the time could be reduced to 2 weeks provided the conditions of the noise exemption request remain unchanged, i.e. noise being emitted and date, time, location and duration of the event.

Staff are also recommending housekeeping changes to the noise by-law which are shown in Appendix A of this report. The housekeeping changes include updating distances to metric conversions, revisiting the permitted times and adding the Civic Holiday to section A and B under the Prohibited Times in Schedule A of the By-law.

### **FINANCIAL IMPLICATIONS**

There are no financial implications.

### **RISK CONSIDERATION**

The risk consideration rates low. Regional Council will state in the by-law the criteria for staff to approve exemptions. Applicants must submit noise exemption requests that meet the requirements of the By-law to be approved by the CAO or designate.

### **COMMUNITY ENGAGEMENT**

Consultation has taken place with the Business Commissions, applicants that have recently applied for noise exemptions and members of the public. The consensus has been that any efforts to reduce the time required to process noise exemptions would be favorable.

### **ENVIRONMENTAL IMPLICATIONS**

None.

### **ALTERNATIVES**

#### Alternative One

Regional Council may choose to amend the noise exemption process and not the housekeeping recommendation by staff. Staff believe that the by-law needs to be updated and recommend that both items be approved by Regional Council.

#### Alternative Two

Regional Council may choose to not amend the noise exemption process of housekeeping recommendations and the by-law will remain status quo.

### **ATTACHMENTS**

Attachment A- Showing proposed changes to By-law N-200

Attachment B - Amending By-law N-205

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

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

Report Approved by: Penny J. Henneberry, Manager, Buildings and Compliance 902.579.0250

Financial Approval by: Jerry Blackwood, Acting Director of Finance and Asset Management/CFO, 902.490.6308

Report Approved by: Kelly Denty, Director, Planning and Development 902.490.4800

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## HALIFAX REGIONAL MUNICIPALITY

### BY-LAW NUMBER N-200

### RESPECTING NOISE

BE IT ENACTED by the Council of Halifax Regional Municipality as follows:

#### Short Title

1. This By-law shall be known as By-law Number N-200, and may be cited as the "Noise By-law".

#### Interpretation

2. In this By-law,

(a) "CAO" means the Chief Administrative Officer of the Municipality;

(aa) "Civic Holiday" means a holiday as set out in By-law H-100, the *Civic Holiday By-law*;

(ab) "construction" includes erection, alteration, repair, dismantling and demolition of structures and includes structural maintenance, hammering, land clearing, moving of earth, rock or felled trees, rock breaking, grading, excavating, the laying of pipe or conduit whether above or below ground level, working with concrete, alteration or installation of any equipment, the structural installation of construction components or materials in any form whatsoever, the placing or removing of any construction related materials and includes any work in connection therewith; but does not include blasting;

(b) "Construction equipment" means any equipment or device designed and intended for use in construction or material handling including but not limited to air compressors, air tracks, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, backhoes, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders and other material handling equipment;

(c) "Council" means the Halifax Regional Council;

(d) "Motor vehicle" includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular, gravitational or wind power; but does not include a motorized wheelchair or a car, locomotive or other motor vehicle running only upon rails; a motorized snow vehicle; traction engine; farm tractor;

self-propelled implement of husbandry; or road-building machine within the meaning of the Motor Vehicle Act;

(da) "owner" includes as it refers to the owner of property

(i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,

(ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building,

(iii) a person who occupies shores, beaches or shoals, and

(iv) in the absence of proof to the contrary, the person assessed for the property;

- (e) "Point of reception" means any point on the premises of a person where sound, originating from other than those premises, is received;
- (f) "Property line" is an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but does not include intra-building real property divisions;
- (g) "public address system" means any system comprised of one or more of the following and in any combination: loudspeaker, amplifier, microphone, turntable, reproducer, receiver or tuner, or any other device where such equipment is part of a system used to reproduce or amplify sound;
- (h) "recreational vehicle" means any motor vehicle which is designed to be, or intended to be, used other than on a public highway or on the surface of the water and includes, without limiting the generality of the foregoing, all-terrain vehicles, trail bikes and snowmobiles but does not include a motor home or travel trailer for the purposes of this By-Law;
- (i) "residential area" means an area of the Municipality zoned only for residential uses in accordance with the Land Use By-law;

### **General Prohibition**

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.

## Prescribed Exemptions

4. (1) Notwithstanding any other provisions of this By-law, it shall be lawful to emit or cause or permit the emission of sound in connection with emergency measures taken

- (a) for the immediate health, safety or welfare of the inhabitants or any of them;
- (b) for the preservation or restoration of property

unless such sound is clearly of a longer duration or more disturbing than is reasonable necessary for the accomplishment of such emergency purposes.

(2) Notwithstanding any other provisions of this By-law, this By-law shall not apply to:

- (a) the days listed in Schedule “B”, the emission of sound in connection with any of the traditional, festive, religious or other activities listed therein; or
- (b) the emission of sound in connection with any of the activities listed in Schedule “C”;
- (c) employees, contractors, or agents of the Municipality, the Government of Canada, the Province of Nova Scotia, the Halifax Regional Water Commission, the Halifax-Dartmouth Bridge Commission, the Nova Scotia Power Corporation, ~~and MTT and other~~ telecommunication companies, ~~and companies that provide natural gas or other gas intended as fuel for the public~~, when those employees, contractors, or agents are acting in the reasonable execution of their duties, on condition that the employee, contractor or agent give 48 hours written notice prior to commencing the work, to the ~~assessed~~ owner ~~or owners~~, as shown in the ~~records~~ ~~assessment roll~~ of the ~~Regional Assessment Office~~ Property Valuation Services Corporation, of properties located within ~~100 feet~~ 30 metres of the property on which the work is to be carried out, provided however that such notice is not required in the event of an emergency;
- (d) a person or a corporation, or an employee of such person or corporation, reasonably performing work at the request of any party enumerated in clause (c);
- (e) noises in connection with athletic or recreational activities in municipal park areas, arenas or community centres until one o'clock in the ~~forenoon~~ a.m.;
- (f) noises in relation to annual municipal festivals or municipal activities in municipal parks, municipal arenas or municipal community centres until one o'clock in the ~~forenoon~~ a.m.;
- (g) noises in relation to municipal parades, street dances or other community activities until one o'clock in the ~~forenoon~~ a.m.;
- (h) noises caused by motor vehicles being used for emergency purposes;

- (I) noises emitted by municipal owned machinery or equipment when used in the normal course of providing municipal services;
- (j) noises caused by motor vehicles or workmen engaged in the delivery of any type of fuel;
- (k) noises emitted by audible pedestrian signals; and
- (l) noises caused by air ambulances.

### **Local Exemptions**

5. (1) The operation of any refrigeration unit which is attached to a refrigeration truck is exempt from the prohibitions in this By-Law if the refrigeration truck is parked directly in front of the Bedford Place Mall on the Bedford Highway side of the building, excluding parking at the sides and rear of the structure.

(2) The operation of any refrigeration unit which is attached to a refrigeration truck is also exempt from the prohibitions in this By-Law if the refrigeration truck is parked in the parking lot area which is bounded on the west by an imaginary line running along the portion of the Sobeys Warehouse Mall which forms the back walls of the Sobeys store and Wacky Wheatley's Carpet T.V. and Stereo outlet as of March, 1988, and bounded on the east by the western boundary of the Canadian National Railway right-of-way.

### **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.

### **Grant of Exemptions by Staff**

6A (1) Subject to section 6,

(i) where a person makes an application for an exemption from the provisions of this By-law for a reoccurring event, and

(ii) a previous application for an exemption from the provisions of this By-law for the event was approved by Council,

the exemption may be granted by the CAO.

(2) An exemption may be granted by the CAO where:

(a) the date, time, location and duration are consistent with the previous application;

(b) the applicant states the social, economic and community benefit in their application; and

(c) all over information contained in the application is substantively the same as the application approved by Council.

(3) The CAO may delegate the authority under subsections (1) and (2) to the staff that oversees the noise exemption application process.

### **Severability:**

7. If a court of competent jurisdiction should declare any section or part of a section of this By-Law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-Law and it is hereby declared that the remainder of the By-Law shall be valid and shall remain in force.

### **Offence and Penalty**

8. Any person who violates any of the provisions of this By-law shall be guilty of an offence and shall, on summary conviction, be liable

1. for the first offence to a penalty of not less than Three Hundred Dollars (\$300.00) and of not more than ten thousand dollars (\$10,000.00) or imprisonment for a

period of not more than one year or both, including the imposition of the minimum fine;

2. for the second offence to a penalty of not less than Seven Hundred Dollars (\$700.00) and of not more than ten thousand dollars (\$10,000.00) or imprisonment for a period of not more than one year or both, including the imposition of a minimum fine;
3. for the third offence or any subsequent offence to a penalty of not less than One Thousand Dollars (\$1,000.00) and of not more than ten thousand dollars (\$10,000.00) or imprisonment for a period of not more than one year or both, including the imposition of a minimum fine.

**Repeal of By-laws, Regulations and Ordinances**

9. Sections 3 and 10 of the County of Halifax By-law Number 8, Respecting Mischiefs and Nuisances, Town of Bedford By-law 22106, Respecting the Prohibition and Regulation of Certain Noises in the Town of Bedford, By-law Number N-200 of the City of Dartmouth, the Control of Noise By-law and Ordinance Number 113 of the City of Halifax, the Noise Ordinance and any amendments thereto are hereby repealed.

Done and passed in Council this 14<sup>th</sup> day of September, A.D., 1999.

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Mayor

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Municipal Clerk

I, Vi Carmichael, Clerk of the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on September 14, 1999.

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Vi Carmichael, Municipal Clerk

## Schedule "A"

### Part 1

**Activities that unreasonably disturb the peace and tranquillity of a neighbourhood throughout the whole Municipality, and at all times, where the sound resulting therefrom is audible at a point of reception.**

1. The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation;
2. The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to an improperly secured load or equipment or inadequate maintenance;
3. The operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.

## Part 2

**Activities that unreasonably disturb the peace and tranquility of a residential area, at the specified times, where the sound resulting therefrom is audible at a point of reception.**

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|----|--|--------------|
| 1. | The detonation of fireworks or explosive devices not used in construction or quarrying;  | At All Times |
| 2. | The discharge of firearms except when used as a signalling device in a sporting competition;   | At All Times |
| 3. | The operation of a combustion engine which<br>(I) is, or<br>(ii) is used in, or<br>(iii) is intended for use in,<br>a toy or a model or replica of any device, which model or replica has no function other than amusement or which is not a conveyance; | At All Times |
| 4. | The operation of a recreational vehicle within <del>100'</del> 30 meters of a residence except for reason of operation for the purpose of parking or storage on one's own property;  | At All Times |
| 5. | Persistent barking, calling, whining or the making of any similar persistent noise-making by any animal;   | At All Times |
| 6. | The operation of any refrigeration unit which is attached to a refrigeration trailer unless the refrigeration trailer is in motion;  | B            |
| 7. | The operation of a garbomotor, solid waste bulk lift, refuse compacting equipment or hydraulic dumpster associated with a commercial enterprise;   | B            |
| 8. | The operation in the outdoors of any power tool for domestic purposes other than snow removal;   | A            |

- |     |   |   |
|-----|---|---|
| 9.  | Yelling, shouting, hooting, whistling or singing;   | A |
| 10. | The operation of a commercial car wash;   | C |
| 11. | All selling or advertising by shouting or outcry or amplified sound;  | B |
| 12. | The use or operation of any commercial snow removal, sanding, or salting equipment at the Bedford Place Mall rear parking lot which abuts Union Street, except for the purpose of keeping emergency lanes clear.  | A |
| 13. | The operation of Sea-doods and Ski-doods within <b>100'</b> <b>30 meters</b> of a residence except for the purpose of parking or storage on one's own property.   | A |
| 14. | The maintenance or other repair of commercial vehicles outdoors, or in a building which is not fully enclosed in such a way as to prevent the escape of noise, if said operation is within <b>250 feet</b> <b>76 metres</b> of a residential property, excepting the maintenance and repair of vehicles used in agricultural, fishing, forestry or mining operations on property devoted to those uses. | C |

**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.**

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|----|---|--------------|
| 1. | The operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding five minutes, while such vehicle is stationary in a residential area unless: | At All Times |
|    | (a) the original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the motor  |              |

vehicle in which case such recommended period shall not be exceeded;

- (b) operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to, operation of ready-mixed concrete trucks, lift platforms and refuse compactors;
- (c) weather conditions justify the use of heating or refrigerating systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo, and where the vehicle is stationary for purposes of delivery or loading;
- (d) prevailing low temperatures make longer idling periods necessary immediately after starting the motor or engine;
- (e) the idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of antifreeze, cleaning of the fuel system, carburetor or the like, when such work is performed other than for profit.

- |    |   |              |
|----|---|--------------|
| 2. | The operation of any item of construction equipment in a residential area without effective muffling devices in good working order and in constant operation; | At All Times |
| 3. | The loading or unloading of any containers, products, materials or refuse with the exception of private household effects;                                    | A            |
| 4. | The use or operation of any commercial vacuuming equipment such as rug cleaning equipment;  | A            |
| 5. | The operation of any public address system, television set, disc player, tape deck, phonograph, or radio in a manner such that the sound from the             | A            |

equipment being operated is audible beyond the bounds of the property from which the noise is emitted;

6. The operation of any motorized conveyance other than on a street or other place intended for its operation; A
7. The operation of any item of snow or ice making equipment; A
8. The use or operation of construction equipment, except where such equipment is used or operated on any highways; A
9. The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler pressure vessel, pipe, valve, machine, device or system; B
10. The operation of a power assisted hang glider or parafoil; A
11. Construction and the operation of any equipment in connection with construction; A
12. The operation of any powered rail car including by not limited to refrigeration cars, locomotives or self-propelled passenger cars, while stationery on property not owned or controlled by a railway governed by the Canada Railway Act. A

**PROHIBITED TIMES:**

- A - On a Monday, Tuesday, Wednesday, Thursday, or Friday until seven o'clock in the **forenoon a.m.** (7:00 a.m.) and after nine thirty o'clock in the afternoon (9:30 p.m.). On a Saturday until eight o'clock in the **forenoon a.m.** (8:00 a.m.) and after seven o'clock in the afternoon (7:00 p.m.). On a Sunday, Statutory Holiday, **Civic Holiday**, or Remembrance Day until nine o'clock in the **forenoon a.m.** (9:00 a.m.) and after seven o'clock in the afternoon (7:00 p.m.).
- B - On a Monday, Tuesday, Wednesday, Thursday, or Friday until seven o'clock in the **forenoon a.m.** (7:00 a.m.) and after nine thirty o'clock in the afternoon (9:30 p.m.). On a Saturday until eight o'clock in the **forenoon a.m.** (8:00 a.m.) and after seven o'clock in the afternoon (7:00 p.m.). On a Sunday, Statutory Holiday, **Civic Holiday**, or Remembrance Day at all times during any such day.
- C - eleven o'clock in the afternoon (11:00 p.m.) to seven o'clock (7:00 am) in the **forenoon a.m.** of the following day.
- D - All Day Sunday, Statutory and Civic Holidays and Remembrance Day.

**NOTE:** Any time specified in this Section shall mean Standard Time for the municipality or Daylight Savings Time during the period of time for which the same is declared to be in force in the municipality.



**Schedule "B"**

Canada Day

Natal Day

New Year's Eve

Recognized Religious Holidays

## **Schedule “C”**

Ringling of Bells at Places of Worship

Calls to Worship

Activities at Pits, Quarries or Mining Operations for which a permit has been issued by the Department of Environment which expressly regulates sound levels.

## **BY-LAW N-200**

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Notice of Motion:	June 22, 1999
First Reading:	July 6, 1999
ANotice of Intent@ Publication:	July 31, 1999
Second Reading:	September 14, 1999
Approval of Minister of Housing and Municipal Affairs	N/A
Effective Date:	September 18, 1999

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### **No. 1 - Amended by N-201**

Clause (c) of subsection (2) of Section 4 of By-Law N-200 is repealed and replaced.

Notice of Motion:	March 27, 2001
First Reading:	April 3, 2001
ANotice of Intent@ Publication:	April 7, 2001
Second Reading:	April 24, 2001
Approval of Minister of Housing and Municipal Affairs	N/A
Effective Date:	April 28, 2001

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### **No. 2 - Amended by V-101**

Amending Section 8

Notice of Motion:	August 19, 2003
First Reading:	August 26, 2003
ANotice of Public Hearing@ Publication:	September 6, 2003
Second Reading:	September 23, 2003
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	September 27, 2003

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### **No. 3 - Amended by N-203**

Repeal of Section 8 and 9 and replace

Notice of Motion:	May 3, 2005
First Reading:	May 10, 2005
Notice of Public Hearing - Publication:	June 11, 2005
Second Reading@	June 28, 2005
Approval of Service Nova Scotia and Municipal Relations:	N/A
Effective Date:	July 2, 2005

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### **No. 4 - Amended by N-204**

Amendment to Part 2 of Schedule A

Notice of Motion:	May 17, 2005
First Reading:	May 24, 2005
Notice of Public Hearing - Publication:	June 11, 2005
Second Reading:	June 28, 2005
Approval of Service Nova Scotia and Municipal Relations:	N/A

Effective Date:

July 9, 2005

**HALIFAX REGIONAL MUNICIPALITY**

**BYLAW N-205**

**RESPECTING NOISE**

**BE IT RESOLVED** by the Council of the Halifax Regional Municipality that By-law N-200, the *Noise Bylaw*, is further amended as follows:

1. Section 2 is amended by

(a) renumbering clause (a) as clause (ab);

(b) adding the new clauses (a) and (aa) immediately before the newly numbered clause (ab) as follows:

(a) "CAO" means the Chief Administrative Officer of the Municipality;

(aa) "Civic Holiday" means a holiday as set out in By-law H-100, the *Civic Holiday By-law*;

(c) adding the following clause after clause (d) and before clause (e):

(da) "owner" includes as it refers to the owner of property

(i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,

(ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building,

(iii) a person who occupies shores, beaches or shoals, and

(iv) in the absence of proof to the contrary, the person assessed for the property;

(d) adding the words "or any other device" after the words and punctuation "receiver or turner," and before the words "where such equipment" in clause (g).

2. Section 4 is amended by

(a) striking out the words "and MTT and other" after the words and punctuation "Nova Scotia Power Corporation," and before the words "telecommunication companies" in clause (c);

(b) adding the punctuation and words ",and companies that provide natural gas or other gas intended as fuel for the public" after the words "telecommunication companies" and before the words "when those employees" in clause (c);

(c) striking out the word “assessed” after the words “to the” and before the word “owner” in clause (c);

(d) striking out the words and punctuation “or owners,” after the word “owner” and before the words “as shown” in clause (c);

(e) striking out the word “records” after the words “shown in the” and before the words “of the” in clause (c);

(f) adding the words “assessment roll” after the words “shown in the” and before the words “of the” in clause (c);

(g) striking out the words “Regional Assessment Office” after the words “of the” and before the words “of properties” in clause (c);

(h) adding the words “Property Valuation Services Corporation” after the words “of the” and before the words “of properties” in clause (c);

(i) striking out the number and word “100 feet” after the words “located within” and before the words “of the property” in clause (c);

(j) adding the number and word “30 metres” after the words “located within” and before the words “of the property” in clause (c);

(k) striking out the word “forenoon” after the word “in the” and before the semi-colon at the end of clause (e);

(l) adding the letters and punctuation “a.m.” after the word “in the” and before the semi-colon at the end of clause (e);

(m) striking out the word “forenoon” after the word “in the” and before the semi-colon at the end of clause (f);

(n) adding the letters and punctuation “a.m.” after the word “in the” and before the semi-colon at the end of clause (f);

(o) striking out the word “forenoon” after the word “in the” and before the semi-colon at the end of clause (g); and

(p) adding the letters and punctuation “a.m.” after the word “in the” and before the semi-colon at the end of clause (g);

3. Adding the following section immediately after section 6 and before section 7:

**Grant of Exemptions by Staff**

6A (1) Subject to section 6,

(i) where a person makes an application for an exemption from the provisions

of this By-law for a reoccurring event, and

(ii) a previous application for an exemption from the provisions of this By-law for the event was approved by Council,

the exemption may be granted by the CAO.

(2) An exemption may be granted by the CAO where:

(a) the date, time, location and duration are consistent with the previous application;

(b) the applicant states the social, economic and community benefit in their application; and

(c) all over information contained in the application is substantively the same as the application approved by Council.

(3) The CAO may delegate the authority under subsections (1) and (2) to the staff that oversees the noise exemption application process.

4. Part 2 of Schedule "A" is amended by

(a) striking out the number "100" after the word "vehicle" and before the words "of a residence" in number 4;

(b) adding the number and words "30 metres" after the word "vehicle" and before the words "of a residence" in number 4;

(c) striking out the number "100" after the word "within" and before the words "of a residence" in number 13;

(d) adding the number and words "30 metres" after the word "within" and before the words "of a residence" in number 13;

(e) striking out the number and word "250 feet" after the word "within" and before the words "of a residence" in number 14; and

(f) adding the number and words "76 metres" after the word "within" and before the words "of a residence" in number 14.

5. The Part titled "Prohibited Times" under Schedule "A" is amended by

(a) striking out the word "forenoon" throughout the Part and replacing with the letters "a.m.";

(b) adding the words and punctuation "Civic Holiday," after the words "Statutory Holiday" and before the words "or Remembrance Day" in section A; and

(c) adding the words and punctuation "Civic Holiday," after the words "Statutory Holiday" and

before the words “or Remembrance Day” in section B.

Done and passed by Council this \_\_\_ day of \_\_\_\_\_, 2018

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MAYOR

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MUNICIPAL CLERK

I, Kevin Arjoon, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Halifax Regional Council held on \_\_\_\_\_, 2018

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Kevin Arjoon  
Municipal Clerk