

# HALIFAX

P.O. Box 1749  
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**Item No. 12.1**  
**Halifax Regional Council**  
**May 21, 2019**

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

**SUBMITTED BY:** \_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** April 25, 2019

**SUBJECT:** Noise Exemption Request – Glen Arbour Golf Club

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## **ORIGIN**

April 1, 2019 – Staff received an application from the General Manager of the Glen Arbour Golf Club for an exemption from By-Law N-200, Respecting Noise, 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 Glen Arbour Golf Club'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 February 2019 HRM Council adopted By-Law N-205, 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.

Part 6A of the By-Law, “**Grant of Exemptions by Staff**”, allows the CAO or delegate to grant an exemption for a recurring event where a previous application was approved by Regional Council. The exemption may be granted if there are no significant changes to the scope of the event and associated benefits should all information in the application be substantively the same as the application approved by Council.

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 Glen Arbour Golf Club located at 40 Clubhouse Lane, Hammonds Plains, has hosted weddings and special events for over 16 years. The General Manager for the Glen Arbour Golf Club has advised that they are looking to expand the number of weddings from two to eight and the outside entertainment to Fridays, Saturdays, and Sundays from May 18<sup>th</sup> to October 31<sup>st</sup>, 2019. The events include food, bar services and light entertainment. Many of the events will also include music with amplified sound. The General Manager has advised that the entertainment will conclude by midnight so as not to disturb their closest residential neighbours.

As Glen Arbour Golf Club has advised they wish to increase the number of events through the season, it was determined this request falls within the jurisdiction of Council pursuant to Part 6 of the by-law.

The events will be hosted in either The Great Room of the Clubhouse or under a tent measuring 40' x 80' depending on the number of attendees and equipment requirements. An application for the tent permit will be requested in May. The Glen Arbour Golf Club has an existing Special Premises license issued from Service Nova Scotia to serve alcohol in the areas that host these events.

Due to the prohibited times identified in the by-law, a noise exemption is required to be able to host the above noted events until midnight. The General Manager for the Glen Arbour Golf Club is requesting a noise exemption from By-Law N-200, Respecting Noise for the period of May 18<sup>th</sup> to October 31<sup>st</sup>, 2019 on

Fridays, Saturdays, and Sundays for the following times:

Fridays – 9:30 p.m. to midnight

Saturdays – 7:00 p.m. to midnight

Sundays – 7:00 p.m. to midnight

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 location 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 Glen Arbour Golf Club. The risks considered rate Low.

### **COMMUNITY ENGAGEMENT**

The Glen Arbour Golf Club has been hosting weddings and special events at this property for over 16 years. There is no record of any previous noise complaints received for this property.

### **ENVIRONMENTAL IMPLICATIONS**

The General Manager has confirmed appropriate waste and recycling practices will be followed. Containers will be provided on site to facilitate proper sorting with additional sorting taking place on site after each event.

### **ALTERNATIVES**

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

### **ATTACHMENTS**

Appendix A: April 1, 2019 Application for Exemption from By-Law N-200, Respecting Noise

Appendix B: Excerpt from By-Law N-200 respecting Noise re: Granting Exemptions by Council

Appendix C: Aerial view of property

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, Program Manager By-Law Standards 902.490.4491

Original Signed

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

Original Signed by 

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

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# APPENDIX A

Halifax Planning & Development  
Buildings and Compliance  
Alderney Gate  
40 Alderney Drive, 2nd Floor  
Dartmouth, NS

April 1st 2019



I am requesting a Noise Exemption for possible entertainment on Fridays, Saturdays and Sundays between May 18th and October 31<sup>st</sup> 2019. This entertainment would be originating from either the Glen Arbour Clubhouse or the Corporate Tent.

For the past 16 years Glen Arbour has been hosting weddings and special events at 40 Clubhouse lane Hammonds Plains. These events have included food, bar services and light entertainment.

This year we are planning to increase our number of weddings from two to eight. These events would be held either in The Great Room of our Clubhouse or under a tent measuring 40 x 80' depending on the number of attends and equipment requirements. Many of the events will require music and we wish to accommodate these requests within reason, however, the style and loudness of the music cannot disturb our closest residential neighbours and the entertainment will end at midnight.

Glen Arbour has an existing license to serve alcohol in the areas discussed. Our insurance Tredd Insurance Company has confirmed that we carry sufficient insurance to cover these events.

We will 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.

If you have any questions, comments or additional information please do not hesitate to contact me. Please email me the date and location of the Public Hearing.

Thank you for your consideration.

**Original Signed**

Mike DeYoung  
General Manager  
Glen Arbour Golf Course

# APPENDIX B

## **Excerpt from By-Law N-200 Respecting Noise re: Grant of Exemptions by Council and Grant of Exemptions by Staff.**

### 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 other 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.

# APPENDIX C

