

HALIFAX

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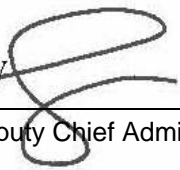
Item No. 11.2
Halifax Regional Council
September 6, 2016

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: August 10, 2016

SUBJECT: Noise Exemption Request – Dalhousie Orientation and DALfest

ORIGIN

July 7, 2016 – Staff received an application from the Dalhousie Student Union 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 Dalhousie Student Union'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 Dalhousie Student Union is planning an outdoor concert on Friday, September 9, 2016. The concert is being held between the hours of 7:00 p.m. and 10:00 p.m. on the University Avenue portion of the Dalhousie campus which is boarded by the MacDonald building, Killiam Library and Studley Gymnasium.

There are also two outdoor concerts planned as part of DALfest; a two day festival of events for new and returning students to Dalhousie University. The concerts are scheduled for Friday, September 16, 2016 and Saturday, September 17, 2016. The concerts will be held at the same location on University Avenue and are scheduled from 3:00 p.m. to 10:30 p.m. Sound and lighting equipment will be used during the outdoor concerts.

The organizing committee advised that there will be a licensed area for serving alcohol at the concerts being held on September 16 and 17, 2016. The Dalhousie Student Union confirmed they have a license from Nova Scotia Alcohol and Gaming for this area. There will also be security provided by Dalhousie Security Services and Halifax Regional Police for these events.

A layout of the event site including the stage and licensed area is identified in Appendix C.

An exemption from By-Law N-200, Respecting Noise, is being requested for the following times:

- Friday, September 9, 2016: 9:30 p.m. – 10:30 p.m.
- Friday, September 16, 2016: 9:30 p.m. – 11:00 p.m.
- Saturday, September 17, 2016: 7:00 p.m. – 11:00 p.m.

Tear down of light and sound equipment will occur immediately following the event on Saturday, September 17, 2016. The remaining event infrastructure will be removed the following day during daytime hours.

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 Dalhousie University event site.

Under subsections 6(3) and 6(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. The risks considered rate low.

COMMUNITY ENGAGEMENT

Dalhousie Orientation Week and DALfest are annual events. Dalhousie Student Union advised they will be providing a Community Notice to neighbouring property owners to provide details of the events.

Noise exemptions have been granted in previous years for DALfest and there were no complaints received last year.

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: July 7, 2016 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: Quad Security Fencing Plan

A copy of this report can be obtained 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: _____
Andrea MacDonald, Manager, License Standards 902-490-7371 for
Jim Donovan, Manager, Buildings and Compliance, 902.476.8211

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

Original Signed



July 7th, 2016

Erin Dobson
Community & Recreational Services
Halifax Regional Municipality

Dear Ms. Dobson

Every year, as a part of welcoming for new students, as well as returning, the Dalhousie Student Union holds Orientation Week, and Dalfest. Orientation week is a 7 day welcoming for all new students at Dalhousie, comprised of events, activities, academic orientation, and much more. The first evening of Orientation Week, Saturday, September 3rd 2016, will be an outdoor concert event, with the objective of facilitating a space that fosters a positive experience, and all student interest. A second concert will be hosted on Friday, September 9th, 2016, with the specific interests of facilitating a bridging of international and domestic students. Dalfest is a well-established and well run event which has been a part of our programming for over 15 years. The event has evolved to become a two day festival of events and activities, culminating in a concert on the evenings of Friday September 16th, 2016 and Saturday September 17th, 2016.

DSU Orientation Week and Dalfest operate under the knowledge and full support of: Dalhousie Student Union, Dalhousie University (Including VP Student Services, Society Services, Facilities Management, and Dalhousie University Community Committee).

As in the past we have and will make every effort to welcome the Dalhousie University and surrounding community, and be respectful of their time by not having an event which proceeds late into the evening. A community Notice will be provided, as is each year. Prepared by Dalhousie University Community Relations and distributed by DSU and Student Services Campaign.

Details for the events are as follows:

Orientation Week
Dates: September 3rd & 9th 2016
Time: 7pm – 10:00pm
Location: Dalhousie University Quad
Noise Level: Not exceeding 110 Db



Dalfest

Dates: September 16th & 17th 2016

Time: 3pm to 10:30pm

Location: Dalhousie University Quad

*Production schedules available upon request

Noise Level: Note exceeding 110 Db

Site Management for both events: DSU and Dalhousie University Facilities Management (Waste Management, Portable Toilets, perimeter security)

Security: Dalhousie University Security Services and Halifax Police Department

We very much appreciate your consideration for a noise exception for the dates

Warm regards,

Kelsey Keddy
Vice President (Student Life)
Dalhousie Student Union

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

