

HALIFAX

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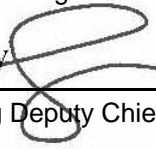
Item No. 11.2
Halifax Regional Council
June 21, 2016

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: May 30, 2016

SUBJECT: Noise By-Law Exemption – Halifax Pride Festival

ORIGIN

On May 15, 2016, staff received an application for an exemption from By-Law N-200, Respecting Noise, by the Halifax Pride organizing committee (attached 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 Halifax Pride'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

Halifax Pride is hosting an event on the Garrison Grounds by Citadel Hill from Thursday, July 21, 2016 to Saturday, July 23, 2016. Load in for tents and fencing will occur on Thursday, July 21, 2016 with a youth dance taking place from 8:00 p.m. to 11:00 p.m.

The events on Friday, July 22, 2016 and Saturday, July 23, 2016 will require set up of a main stage, community booths, tents and sound checks. The set up will take place during the day. The fundraising dances will take place on these dates from 9:00 p.m. to 2:00 a.m. and include use of a sound system and DJs.

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 portions of the event for which an exemption is requested from By-Law N-200, Respecting Noise are:

Saturday, July 23, 2016: 1:00 a.m. - 2:00 a.m. (fundraising dance)
Sunday, July 24, 2016: 1:00 a.m. - 2:00 a.m. (fundraising dance)

The tear down of the stage and site clean-up will take place on Sunday, July 24, 2016 beginning at 9:00 a.m.

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 Garrison Grounds.

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 Halifax Pride events at the Garrison Grounds. The risks considered rate Low.

COMMUNITY ENGAGEMENT

This is the 29th annual festival for Halifax Pride. The organizing committee is expecting approximately 500 youth to attend the dance on Thursday night and approximately 1100 members of the public attending each of the fundraising events.

Noise exemptions have been granted in previous years for the event.

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: April 25, 2015 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

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: _____
Jim Donovan, Manager, Buildings and Compliance, 902.476.8211

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

APPENDIX A



May 15, 2016

To HRM Staff and Regional Council,

Please accept this letter as a request for a noise by-law exemption during the upcoming 2016 Halifax Pride Festival.

Halifax Pride is currently preparing to present its 29th annual festival and will once again transform the Citadel Hill – Garrison Grounds into a multipurpose event site during the final weekend of Pride. The dates and times for setup and programming on the Garrison Grounds are listed below:

Thursday, July 21

8:00am : Load in for tents/fencing. 8:00pm – 11:00pm : Youth dance.

Friday, July 22

8:00am : Stage set up

9:00pm – 2:00am : Nighttime dance fundraiser with DJ performances and sound system.

Saturday, July 23

9:00am – 1:00pm : Sound checks for performers on stage.

3:00pm – 6:00pm : Festival stage performances with live bands.

9:00pm – 2:00am : Nighttime dance fundraiser with DJ performances and sound system.

Sunday, July 24

9:00am : Stage tear down and site clean up.

Halifax Pride is committed to working with the surrounding community while producing the festival. We will work with our tech provider to dissipate sound away from residences. We will also ensure that waste is properly sorted and that a 4-stream system (compost, recyclables, paper and garbage) and is accessible to all event attendees.

Please do not hesitate to contact me with any questions or concerns. I can be available to meet with staff or council to answer any questions in person.

Regards,

Original Signed

Willem Blois
Chair, Halifax Pride Society
chair@halifaxpride.com

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.