

HALIFAX

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Item No. 11.2
Halifax Regional Council
August 14, 2018

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY: _____
Jacques Dubé, Chief Administrative Officer

DATE: July 25, 2018

SUBJECT: Noise Exemption Request – King's Orientation Week

ORIGIN

July 16, 2018 – Staff received an application from the University of King's College Student's 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 University of King's College Students' 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.

Section 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 King’s College Students’ Union is planning several events as part of the King’s College Orientation Week which will be held at the University of King’s College at 6350 Coburg Road.

There is an outdoor carnival being held on Sunday, September 2, 2018 from 7:00 p.m. to 12:00 a.m.

On Thursday, September 6, 2018 there is an outdoor movie night from 7:00 p.m. to 12:00 a.m. and an outdoor concert on Friday, September 7, 2018 from 1:00 p.m. to 12:00 a.m. These events will have amplified noise.

Due to the events being outdoors with amplified noise, an exemption from By-Law N-200, Respecting Noise, is being requested for the following dates and times:

Sunday, September 2, 2018 – 7:00 p.m. to 12:00 a.m. (outdoor carnival)
Thursday, September 6, 2018 – 9:30 p.m. to 12:00 a.m. (outdoor movie)
Friday, September 7, 2018 – 9:30 p.m. to 12:00 a.m. (outdoor concert)

A site map detailing the location of the events is attached as Appendix C.

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 University of King’s College Orientation Week 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 for the University of King’s College Students’ Union. The risks considered rate low.

COMMUNITY ENGAGEMENT

The King’s College Orientation Week is an annual event.

Noise exemptions have been granted in previous years for King’s College Orientation Week events 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.

ALTERNATIVES

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

ATTACHMENTS

- Appendix A: July 16, 2018 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: University of King’s College Event Site Plan

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

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

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

Report Approved by: Original Signed
Steve Higgins, Acting Director, Planning and Development, 902.490.4382

APPENDIX A



King's Orientation Week 2018
6350 Coburg Road, Halifax, NS, B3H 2A1
902.429.3399

RE: Noise Bylaw Exemption N-200

Dear Halifax Regional Municipality and Halifax Regional Council,

With the objective of welcoming incoming students to our institution, the King's Students' Union at the University of King's College organizes an annual Orientation Week. The week, running from September 2nd 2018 until September 7th, 2018 consists of a series of events designed to immerse new students into the King's community and surrounding Halifax Regional Municipality. Typically, King's Orientation Week hosts three to four major events outdoors in order to acquaint resident students with their new home and familiarize day students with the layout of our campus. Incorporating outdoor spaces into our Orientation Week has become a King's tradition and is crucial in introducing students to life on campus. Due to King's limited spatial capacities, the decision to host events outdoors is also a pragmatic one. Given the volume of students and our smaller on-campus venues, hosting outdoor events fosters a positive and welcoming atmosphere that can accommodate the entire incoming class without concern of students feeling overwhelmed by a restriction to much smaller spaces.

With this in mind, we, the Orientation Week Team, working under the King's Students' Union, formally request a noise by-law exemption of By-law N-200, *Respecting Noise*, for the following dates, times, and locations:

Move-In Day	Sunday, September 2 nd , 2018 7am-12pm
Quad Carnival	Sunday, September 2 nd , 2018 7pm-12am
Quad Olympics	Monday, September 3 rd , 2018 12pm-5pm
Movie Night in the Quad	Thursday, September 6 th 2018 7pm-12am
Concert in the Quad	Friday, September 7 th , 2018 1pm-12am

We do not anticipate that most of these events will be louder than an average fall day on campus, however we are applying for a noise by-law exemption for *all* outdoor events in order to provide the community with ample notice and consideration. Though our primary task is to celebrate our own community, we acknowledge that the University of King's College sits in close proximity to many private residences and is part of the larger Halifax community, and we are dedicated to ensuring that all provisions of the exemption are obeyed to the fullest extent. We are thankful for receiving this exemption in the past and for the surrounding community's cooperation and enthusiasm with this event.

Regards,

Lianne Xiao
King's Students' Union President
Email: orientation@ksu.ca
Tel: 902-429-3399

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

University of Kings College Event Site Plan

