

HALIFAX

P.O. Box 1749
Halifax, Nova Scotia
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Item No. 12.1
Halifax Regional Council
October 26, 2021

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 
Jacques Dubé, Chief Administrative Officer

DATE: October 15, 2021

SUBJECT: Noise Exemption Request – Halifax Pride

ORIGIN

October 5, 2021 – Staff received an application from the Operations Manager of Halifax Pride 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

1. approve the portion of Halifax Pride's application for an exemption from the provisions of the Noise By-Law for the hours of 8:00 pm on Saturday, October 30 to 1:00 am on Sunday, October 31, 2021, and
2. deny the portion of Halifax Pride's application for an exemption from the provisions of the Noise By-law for the hours of 1:00 am to 3:00 am on Sunday, October 31, 2021 pursuant to the discussion section of this report and any matters raised at the public hearing.

BACKGROUND

By-law N-200, the *Noise 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

Halifax Pride has submitted an application for a noise exemption from By-law N-200, for noise that will be associated with an event being held on October 30 and 31, 2021. The event will be a Halloween dance named, The Raveyard which will be held at Rogers Square. Rogers Square is a covered, open-air promenade located at 1626 Grafton Street, Halifax. The venue is a dedicated open space available for community events such as concerts or cultural events.

The organizers have advised that 700 tickets are available for purchase online in advance of the event and tickets will also be available the day of the event to a maximum of 1,000 attendees. The organizers have confirmed that public health regulations will be followed and staff have advised that they should consult with Department of Health and Events NS to ensure the appropriate plans/measures are in place.

The event will include live DJs, amplified noise and drag performances that will take place in a staging area. The stage will be set up on the Prince Street side of the venue with the sound being directed down to Sackville Street. Due to the amount of glass surface, the application states the sound level will be kept to a minimum. The property owner has been consulted on the event and has provided a letter of support for the event as outlined in Appendix D.

Halifax Pride will be using a professional fencing company to enclose the space and have applied for a NS Alcohol and Gaming License to serve alcohol at the event. In addition, the organizers have hired a professional security company to work with events staff to secure and monitor attendance at the event.

The event organizers have advised that the Halloween dance will be concluded by 1 a.m., with stage tear down and load out until 3 a.m. Halifax Pride has indicated they would be speaking with the nearby hotel and surrounding businesses to make them aware of the event.

Due to the prohibited times identified in the By-law, a noise exemption is required to be able to host the above noted event until 3 a.m. Halifax Pride is requesting a noise exemption from By-Law N-200, the *Noise By-law*, for October 30th and 31st, 2021.

The portions of the event for which an exemption is being requested from By-Law N-200 are:

Saturday, October 30, 2021- Roger's Square

8:00 p.m. – Doors open

Saturday, October 30- Sunday, October 31, 2021- Roger's Square

9:00 p.m. to 1:00a.m. – Halloween Dance with live DJ and Drag performances

Sunday, October 31, 2021- Roger's Square

1:00 am to 3:00 a.m. – Stage load out

Staff Recommendation

Staff are recommending the noise exemption be approved for the following hours:

Saturday, October 30, 2021 8:00 p.m. to 1:00 a.m. Sunday, October 31, 2021

Due to the potential impacts on neighbouring properties as well as the proximity to the Argyle Street Entertainment District which limits noise to 12:00 am, staff do not recommend the noise exemption request for the tearing down and loading out of the stage and fencing on:

Sunday, October 31, 2021 from 1:00 a.m. to 3:00 a.m.

Staff recommend that event organizers complete the tear down of the stage and fencing the following morning within the prescribed hours of the by-law which are 9:00 a.m. to 7:00 p.m.

Notices of the Council Session at which the hearing is proposed to take place have 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. The administration of the request for exemption from By-Law N-200 can be accommodated within Planning and Developments current operating budget and with existing resources.

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. The risks considered rate Low.

COMMUNITY ENGAGEMENT

Halifax Pride is a community-based group who have been hosting events since 1988.

ENVIRONMENTAL IMPLICATIONS

The Owner 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 the event. Public washrooms will also be available on site.

ALTERNATIVES

1. Regional Council could choose to approve Halifax Pride's application in its entirety and grant an exemption from the Noise By-law from 8:00 p.m. on October 30 to 3:00 am on October 31, 2021.
2. Regional Council could choose to approve Halifax Pride's application and grant an exemption from the Noise By-law with the conditions.
3. Regional Council could choose to deny Halifax Pride's application in its entirety.

ATTACHMENTS

Appendix A: October 5, 2021 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

Appendix D: Letter of support from the property owner

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

Appendix A



September 27, 2021

To HRM Staff and Regional Council,

This letter is to request a noise bylaw exemption for The Raveyard: Halifax Pride Halloween Dance Party, taking place Saturday, October 30th, from 9PM to 1AM, along with day-long load in.

Halifax Pride is currently planning a Halloween Dance party with DJs and live drag performances to take place outside in Rogers Square at the Halifax Convention Centre. We are selling tickets online in advance, and plan to adhere to current COVID-19 gathering and event restrictions. We will be hosting our own bar, and will be hosting out of town DJs and drag performers on the stage.

We have been advised by our tech and stage supplier that the sound quality in the space is not great, due to the amount of glass surfaces, so we plan to keep the sound level to a minimum. We will be speaking with the Sutton Place hotel and surrounding businesses to ensure they are aware of the event and its hours.

We are seeking noise bylaw exemptions for events taking place at the Rogers Square at the following times:

Saturday, October 30th - 31st, 2021

9:00am - 3:00am

9:30am

Stage/sound load in

12:00pm

General site set up, bar load in

2:30pm

Fencing load in

8:00pm

Doors open

9:00pm - 1:00am

Raveyard event

1:00am - 3:00am

Stage load out

Halifax Pride is committed to ensuring our events strictly adhere to public health and safety regulations, and have a robust safety plan we will be providing to the city. We are also committed to working with the surrounding community to ensure our events are not impeding on anyone's comfort during these extraordinary times.



We will be installing the stage on the Prince Streety side of the venue, with the sound being directed down to Sackville Street, where we will have the entrance tent. The venue has onsite washrooms that we will open to attendees, and we will again be contracting ReGroup to provide waste receptacles. We are in the process of applying for liquor licensing for the bar onsite. Shadow Security will be providing security coverage for the event.

Thank you,

Original Signed

Fiona Kerr
Operations Manager, Halifax Pride
fiona@halifaxpride.com

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) (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:

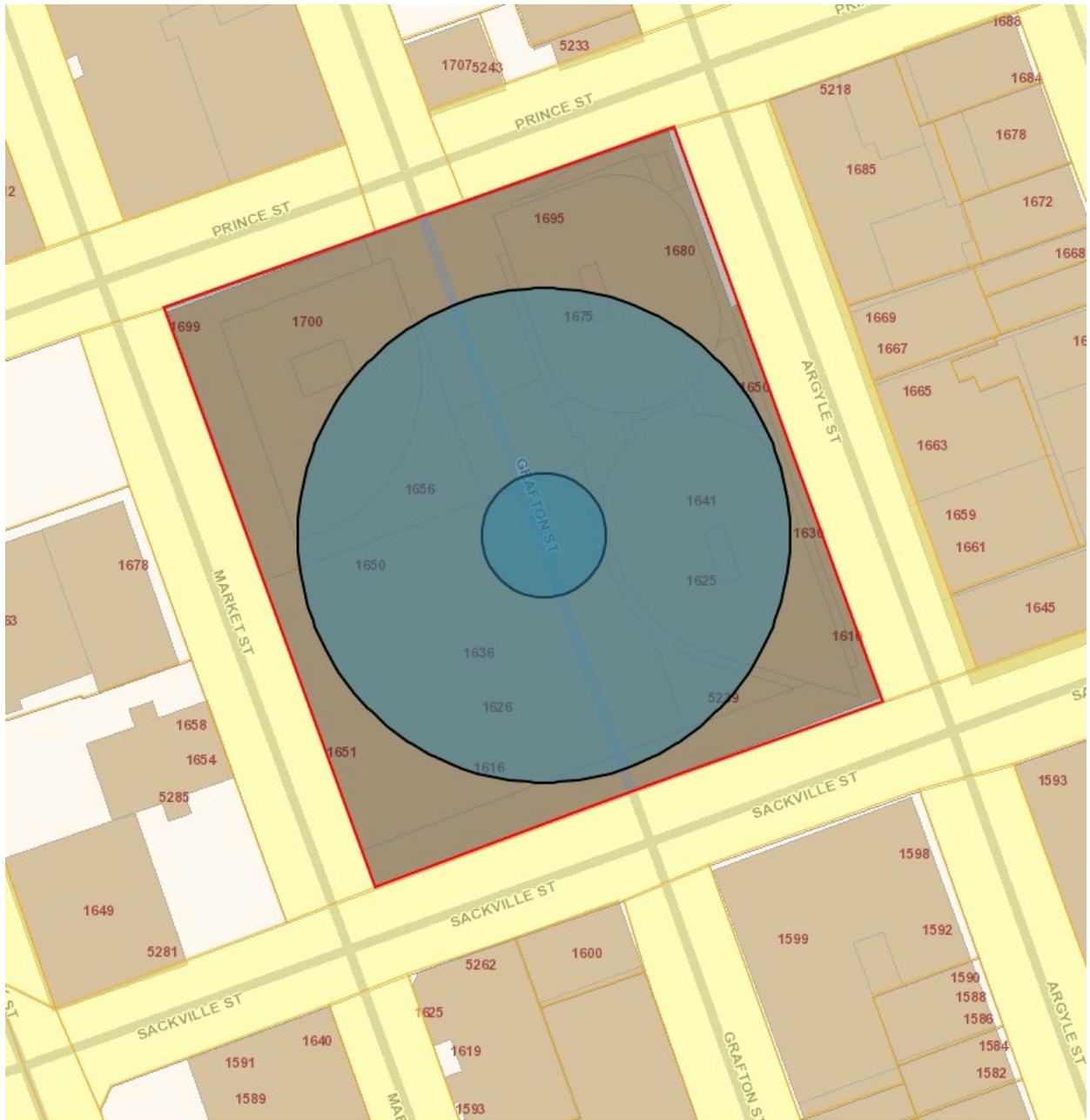
- (a) the date, time, location and duration are consistent with the previous application;

(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



Appendix D

October 14, 2021



Halifax Pride
205 - 2099 Gottingen Street
Halifax, NS
B3K 3B2

Attention: Don Brownrigg

Re: The Raveyard Halloween Dance Party at Rogers Square

This letter is to acknowledge that Nova Centre has approved Halifax Pride to host their Raveyard Halloween dance party in Rogers Square at Nova Centre and are in full support of the event.

Should you have any questions or would like more information, please do not hesitate to contact us.

Thank you,

Original Signed

Tony Ramia
Property Manager, Nova Centre