

HALIFAX

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Item No. 12.3
Halifax Regional Council
June 28, 2022

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: June 7, 2022

SUBJECT: **Noise Exemption Request – Halifax Pride**

ORIGIN

May 4, 2022 – 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 approve 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

On March 2, 2019 By-law N-205, Respecting Noise became effective. 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

Halifax Pride will be hosting the 2022 Halifax Pride Festival from July 14-24, 2022, with large-scale events returning to the Garrison Grounds after a pared down festival the last 2 years. The Operations Manager has advised that they are looking for a noise exemption to be able to hold outdoor events on the Garrison Grounds located by Citadel Hill. There will be a Beverage Garden at each of the live show events and the organizers have confirmed they will be making application for the appropriate liquor licensing. Halifax Pride has hired professional security to monitor the 19+ events and provide overnight coverage from July 11-July 24, 2022.

The Operations Manager advised they are extending the amount of time allotted for load in and out, to avoid working into the night. Load in for the events will occur between the hours of 8:00 a.m. - 8:00 p.m. from July 11, 2022 to July 13, 2022. Halifax Pride will be working with the tech provider to install the stage and sound components to face towards Citadel Hill to direct sound away from residents. There will also be a large tent that will cover the stage and mask some of the sound being projected.

Due to the prohibited times identified in the By-law, a noise exemption is required to be able to hold the following events:

- **Thursday July 14, 2022 9:30 p.m. to 12:00 a.m. Friday, July 15, 2022**
 - noise activity includes soundcheck and a showcase of music, drag and comedy
- **Friday July 15, 2022 9:30 p.m. – 3:00 a.m. Saturday, July 16, 2022**
 - noise activity includes The Bump drag show, live on stage and parade prep/site alterations
- **Saturday July 16, 2022 7:00 p.m. - 2:00 a.m. Sunday, July 17, 2022**
 - noise activity includes The Grind DJ dance party, live on stage
- **Sunday July 17, 2022 7:00 p.m. -12:00 a.m. Monday, July 18, 2022**
 - noise activity includes Comedy Night, live on stage
- **Tuesday July 19, 2022 9:30 p.m. -12:00 a.m. Wednesday, July 20, 2022**
 - noise activity includes Drag bingo, live on stage
- **Wednesday July 20, 2022 9:30 p.m. -11:30 p.m.**
 - noise activity includes Youth dance, DJ live on stage
- **Thursday July 21, 2022 9:30 p.m.-11:00 p.m.**
 - noise activity includes stage loadout
- **Friday July 22, 2022 9:30 p.m.-10:00 p.m.**
 - noise activity includes tent, fencing and tech load out
- **Saturday July 23, 2022 7:00 p.m.- 8:00 p.m.**
 - noise activity includes tent, fencing and tech load out
- **Sunday July 24, 2022 8:00 a.m.- 9 a.m. and 7:00 p.m.- 8:00 p.m.**
 - noise activity includes tent, fencing and tech load out

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 Halifax Pride. The risks considered rate low.

COMMUNITY ENGAGEMENT

Halifax Pride is a local community group with ties to the community that have been hosting events since 1988. There are no records of previous noise complaints received for this property.

ENVIRONMENTAL IMPLICATIONS

Appropriate waste and recycling practices will be followed. Containers are 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: May 4, 2022 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

Appendix A



May 4th, 2022

To HRM Staff and Regional Council,

This letter is to request a noise bylaw exemption for the 2022 Halifax Pride Festival, taking place July 14-24.

Halifax Pride is excited to see the return of our full festival schedule. In particular, the return of a number of our annual large-scale events on the Garrison Grounds. After two years of re-imaging and operations review, we are confident that we are more prepared than ever to deliver a safe and enjoyable festival for the entire city. We will be bringing back a number of large-scale outdoor events, but nothing we have not put on in the past. Some events from the past two years are returning on a larger scale, but we will not be offering any completely new programming that requires noise bylaw exemptions.

This year, we have also scheduled a significant amount of time for load in and out, to avoid working into the night and causing excess disruptions to surrounding residents.

We are seeking noise bylaw exemptions for events taking place at the Garrison Grounds at the following times:

Monday, July 11, 8:00AM - 8:00PM

- Load in for large tents and fencing

Tuesday, July 12, 8:00AM - 8:00PM

- Load in for all other tents and fencing
- Load in for stage and all other tech
- Load in for beverage garden

Wednesday, July 13, 8:00AM to 8:00PM

- Load in for stage and all other tech
- Load in for bar and beverage garden

Thursday, July 14, 7:30PM - 12:00AM

7:30PM - 8:30PM

- Soundchecks for performers on stage

9:00PM - 12:00AM

- QTBIPOC Showcase, live on stage - music, drag, comedy

Appendix A



Friday, July 15, 1:00PM - 3:00AM

1:00PM - 4:30PM

- Soundchecks for performers on stage

9:00PM - 2:00AM

- The Bump drag show, live on stage

2:00AM - 3:00AM

- Pride Parade prep, site alterations

Saturday, July 16, 9:00AM - 2:00AM

9:00AM - 12:00PM

- Fencing changes, site alterations, music playing from stage

1:00PM - 5:00PM

- Festival Site with drag performers on stage

7:00PM - 8:00PM

- Soundchecks for performers on stage

9:00PM - 2:00AM

- The Grind DJ dance party, live on stage

Sunday, July 17, 1:00PM - 12:00AM

1:00PM - 5:00PM

- Festival Site with live music on stage

6:00PM - 8:30PM

- Soundcheck for performers on stage

9:00PM - 12:00AM

- Comedy Night, live on stage

Tuesday, July 19, 7:00PM - 12:00AM

7:00PM - 8:00PM

- Evening Speaker Series, live on stage

9:00PM - 12:00AM

- Drag Bingo, live on stage

Wednesday, July 20, 7:00PM - 11:30PM

7:00PM - 8:00PM

- Evening Speaker Series, live on stage

9:00PM - 11:30PM

- Youth Dance, DJ live on stage

Thursday, July 21, 7:00PM - 11:00PM

7:00PM - 8:00PM

- Evening Speaker Series, live on stage

Appendix A



8:00PM - 11:00PM

- Early stage load out

Friday, July 22, 8:00AM - 10:00PM

- Tent, fencing, and tech load out.

Saturday, July 23, 8:00AM - 8:00PM

- Tent, fencing, and tech load out.

Sunday, July 24, 8:00AM - 8:00PM

- Tent, fencing, and tech load out.

As always, we are committed to working with the surrounding community to ensure our events are not impeding on anyone's comfort during the festival. We will work with our tech provider, TourTech, to install this year's stage and sound components facing the hill, to direct sound away from residents. We are also implementing a new large tent that will cover the stage, and mask some of the sound being projected. We will once again be working with ReGroup to facilitate a waste management system available to all event attendees. We are in the process of applying for liquor licensing for the Beverage Garden at each of our live show events listed above. Shadow Security will be providing security coverage at all of our 19+ events, as well as overnight coverage from Monday, July 11th, to Sunday, July 24th. Please find our full schedule of events attached for reference.

I will be the primary event contact for Halifax Pride, and please feel free to contact me with any questions or concerns.

Thank you,

Original Signed

Fiona Kerr
Operations Manager, Halifax Pride



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.

Appendix B

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

