

**Item No. 9.1**  
**Halifax Regional Council**  
**May 20, 2014**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original signed by   
Richard Butts, Chief Administrative Officer

Original Signed by   
Mike Labrecque, Deputy Chief Administrative Officer

**DATE:** April 25, 2014

**SUBJECT:** Noise By-Law Exemption – Right Some Good on Spring Garden Festival

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**ORIGIN**

April 22, 2014 – Staff received an application for an exemption from By-Law N-200, Respecting Noise, by the Spring Garden Road Business Association, 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 Spring Garden Road Business Association'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 Spring Garden Road Business Association is requesting an exemption to By-Law N-200 for the Right Some Good on Spring Garden Festival.

The organizing committee advises set up for the event will begin with street closures on Sunday, June 29, 2014 at 12:01 a.m. and conclude at 9:00 a.m. Delivery of event infrastructure, set up for culinary and music stages, and vendor and artisan tent set up will be taking place during this time.

The event will begin on Sunday, June 29, 2014 at 9:30 a.m. to 10:00 p.m. Event tear down is scheduled immediately following the event till midnight. The work must be completed as the streets will reopen by midnight.

The set-up, event activities and tear down are all taking place on Sunday, June 29, 2014.

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

- 12:01 a.m. to 9:00 a.m. – event set up
- 7:00 p.m. to 10:00 p.m. – event activities
- 10:00 p.m. to midnight – event tear down

HRM is participating in the event with several business units assisting with street closures, transit rerouting, garbage removal, etc. The Spring Garden Road Business Association is organizing security from both Halifax Regional Police and a private security company.

Waste containers, four stream recycling containers and portable toilet facilities will also be provided.

A map of the event layout on Spring Garden Road between South Park and Queen Street 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 Right Some Good on Spring Garden Festival.

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.

### **COMMUNITY ENGAGEMENT**

Halifax Regional Police are assisting with the street closures and security for the event and therefore have no concerns regarding the events.

### **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 22, 2014 Application for Exemption from By-Law N-200 Respecting Noise
- Appendix B: Excerpt from By-Law N-200 respecting Noise; Grant of Exemptions by Council
- Appendix C: Event Location Map of Spring Garden Road

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Tanya Phillips, Manager, By-Law Standards, Community and Recreation Services, 490-4491

Report Approved by: \_\_\_\_\_  
**For:** Jim Donovan, Manager, Municipal Compliance, 490-6224

Report Approved by: \_\_\_\_\_  
Brad Anguish, Director of Community and Recreation Services, 490-4933

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## APPENDIX A



April 22, 2014

Halifax Regional Municipality Noise by Law Exemption Request

RE: Right Some Good on Spring Garden Festival – JUNE 29, 2014 (Sunday)

The Spring Garden Area Business Association has been very interested in providing a signature summer event in the downtown area that would showcase the Best of Nova Scotia's local food growers and artisans while at the same time supporting the local businesses of our vibrant downtown and more specifically; the small independent retailers and restaurants of the Spring Garden Area.

The Right Some Good on Spring Garden Festival event will take place on Sunday, June 29<sup>th</sup> the activities of the day for the public start at 9:30 am the setup of infrastructure staging and tent set up are as follows:

### June 29 – Street Closure

12:01 am – Dresden Row Street Closure into effect

- Culinary stage set up on Dresden Row

4:00 am – Spring Garden Road Street Closure into effect

- Music stage set up
- "Sociables" set up (alcohol venue)
- Vendor and Artisan tents set up throughout Spring Garden Road
- Remaining event infrastructure delivered

ALL event infrastructure in place by 9:00 am for a 9:30 am start to the event.

### June 29 – Tear Down of the event

Tear down will take place starting at 10 pm to midnight. Event infrastructure on Spring Garden Road to be removed first.

### **SOLID WASTE**

The Spring Garden Area Business Association will adhere by all policies and regulations regarding solid waste collection and removal. In addition to the garbage containers and four-stream containers currently in place, we will be placing additional recycling, garbage, compost and paper collection containers throughout the event site.

The Spring Garden Area Business Association is very fortunate to be given the opportunity to provide 'the busiest street east of Montreal' to Right Some Good Festival as their downtown home for this one of a kind culinary creation. For further inquiries please contact Nancy Tissington at 902-423-3751 or [nancy@springgardenarea.com](mailto:nancy@springgardenarea.com)

Regards,

**ORIGINAL SIGNED**

Nancy Tissington  
Executive Director  
Spring Garden Area Business Association

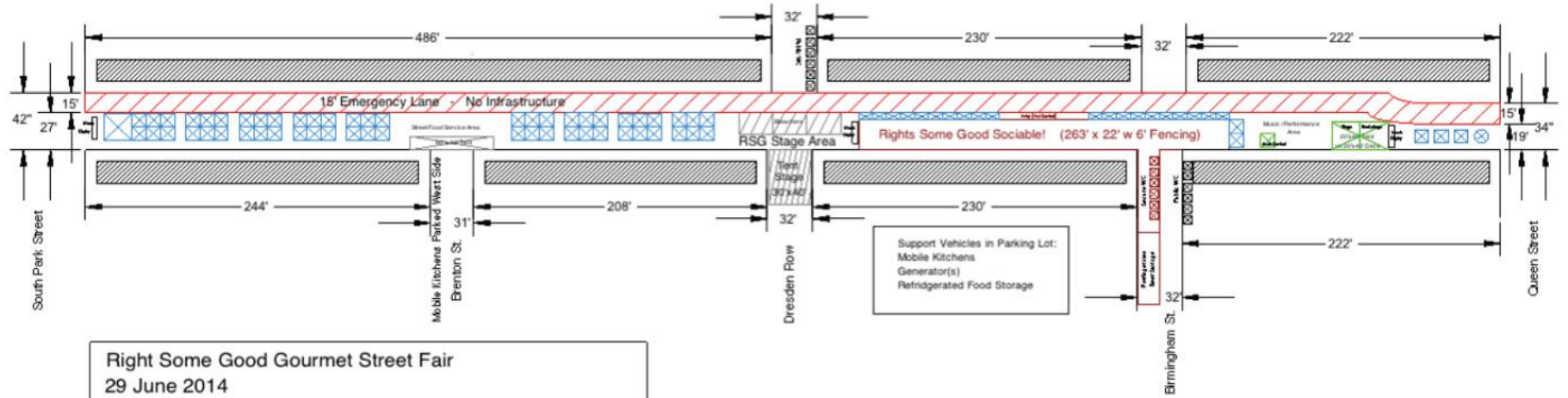
## APPENDIX B

### **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



Right Some Good Gourmet Street Fair  
29 June 2014

Presented by:  
Right Some Good ? Rapport Communications and  
Spring Garden Area Business Association  
Site Plan v3 22 April 2014