


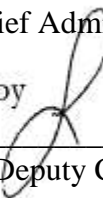
Item No. 9.2
Halifax Regional Council
May 20, 2014

TO: Mayor Savage and Members of Halifax Regional Council

Original signed by 

SUBMITTED BY:

Richard Butts, Chief Administrative Officer

Original Signed by 

Mike Labrecque, Deputy Chief Administrative Officer

DATE: April 28, 2014

SUBJECT: Noise By-Law Exemption – Aboriginal Peoples Television Network
Aboriginal Day Live & Celebration

ORIGIN

April 8, 2014 – Staff received an application for an exemption from By-Law N-200, Respecting Noise, by the Aboriginal Peoples Television Network (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 Aboriginal Peoples Television Network'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 Aboriginal Peoples Television Network is requesting an exemption to By-Law N-200 for the Aboriginal Day Live & Celebration which is being held at 1505 Lower Water Street.

The organizing committee advises set up for the event will begin on Tuesday, June 17, 2014 and continue through to Friday, June 20, 2014. Equipment and staging will be delivered between 12:00 p.m. to 6:00 p.m. on Tuesday, June 17, 2014. Lighting and staging will be set up on Wednesday, June 18, 2014 between 9:00 a.m. to 9:00 p.m.

The audio system is being set up between 9:00 a.m. to 10:00 p.m. on Thursday, June 19, 2014. The production crew begins at 7:00 a.m. on Friday, June 20, 2014 with sound checks and dress rehearsals scheduled from 2:00 p.m. to 10:00 p.m.

The event is scheduled to begin at noon on Saturday, June 21, 2014 with an evening concert and fireworks finale ending at 11:30 p.m. There is a partial tear down scheduled between 11:30 p.m. to 1:00 a.m. on Sunday, June 22, 2014.

The event welcomes all ages and is an alcohol free event.

Stage removal and site clean-up will take place during daytime hours on Sunday, June 22, 2014.

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

- Thursday, June 19, 2014- 9:30 p.m. – 10:00 p.m. (set up for the audio system)
- Friday, June 20, 2014- 9:30 p.m. - 10:00 p.m. (sound checks and rehearsals)
- Saturday, June 21, 2014- 8:00 p.m. – 11:30 p.m. (concert and fireworks finale)
- Saturday, June 21, 2014- 11:30 p.m. – 1:00 a.m. Sunday, June 22, 2014 (quiet move out of production equipment)

There are no services required to accommodate the event. The Aboriginal Peoples Television Network and their partner, Waterfront Development Corporation, will be organizing security and washroom facilities for the event.

Notice of the Council Session at which the hearing is proposed to take place has been sent to property owners within 100 feet of 1505 Lower Water Street, the Sands at Salter event location.

Under subsections 6(3) and (5) of the Noise By-Law, Regional 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

Staff consulted with Halifax Regional Police and they advised there are no concerns regarding 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 8, 2014 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 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:

Jim Donovan, Manager, Municipal Compliance, 490-6224

Report Approved by:

Brad Anguish, Director of Community and Recreation Services, 490-4933

APPENDIX A



Aboriginal Peoples
Television Network

World's First National Aboriginal Broadcaster

April 8, 2014

Dear Ms. Dobson:

Whereas, Aboriginal Peoples Television Network will be hosting Aboriginal Day Live & Celebration on the Halifax Waterfront (Sands at Salter) June 20 - 21, 2014, we hereby make application to the Halifax Regional Council for exemption from section 3(1) of the Halifax Regional Municipality Noise Bylaw. The section reads, "No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood."

The set up and dismantling of the APTN event will take place from Tuesday, June 17th - Sunday, June 22nd, 2014.

Tuesday, June 17th - Stage setup from 12:00pm to 6:00pm. Noise would be trucks moving in, no loud noises.

Wednesday, June 18th - 9:00am to approximately 9:00pm. Setup all lighting and staging. No loud noises, regular truck traffic.

Thursday, June 19th - 9:00am to 10:00pm. Setup audio system. Will be ringing out the speakers therefore will be making noise from speakers. No bands playing but will be playing CD music to help EQ.

Friday, June 20th - 7:00am to 9:00pm. This is our big day. Setup TV production till approximately 2:00pm. Sound checks with bands from about 2:00pm to 10:00pm. This will be at concert level for the event. Will not be constantly loud. Each band will play 3 or 4 songs depending on their set length.

Along the Waterfront, our cultural team will be erecting 8 tepees.

Saturday is the actual Aboriginal Day Live and Celebration Show, a concert appropriate for all ages that commences at 8:00pm and will end at 11:30pm. Prior to the concert, there will be cultural demonstrations from 12:00pm - 6:00pm that will include basket weaving, bead work, waltzes, storytelling and acoustic entertainment.

As mentioned, the family concert begins at 8:00pm and just prior to the end at 11:30pm, there will be a fireworks finale. There is no alcohol at this event. After the show there will be partial tear down. Basic tear down should be done by 1:00am.

The stage tear down and removal on Sunday will commence at 10:00am and will be a four hour call so they will be out by 2:00pm.

With the help of our partner, Waterfront Development Corporation, we ensure that waste is properly sorted by recycling, compost and garbage. During the event; receptacles for each are provided, additional sorting also occurs on-site post event. We will also have a team on-site to pick up garbage throughout the day and at the conclusion of the event.

We have met with the Special Event Task Force to go over all aspects of the event, such as solid waste, fire inspection, security, etc.

It is our wish that we be granted a Noise By-Law exemption.

Thank you for your support of this request.

Sincerely,

Original Signed

Lisa Squire,
Director of Marketing

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.