

**Item No. 9.1**  
**Halifax Regional Council**  
**June 24, 2014**

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

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

Original Signed by Director

Brad Anguish, Director, Community and Recreation Services

**DATE:** May 28, 2014

**SUBJECT:** Noise By-Law Exemption – Bastid's BBQ 2014

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**ORIGIN**

May 21, 2014 – Staff received an application for an exemption from By-Law N-200, Respecting Noise, by Sofa King Raw Entertainment, 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 Sofa King Raw Entertainment'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**

Sofa King Raw Entertainment is requesting an exemption to By-Law N-200 for Bastid’s BBQ 2014 which is being held at 1549 Lower Water Street.

The organizing committee advises set up for the event will begin at 8:00 a.m. on Saturday, June 28, 2014 and consists of the installation of fencing, stage set up and delivery of portable toilets. Sound check will take place at 2:00 p.m. The event will run from 3:00 p.m. to 11:00 p.m.

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

- Saturday, June 28, 2014 – 11:00 p.m. - 2:00 a.m.; and Sunday, June 29, 2014 (event tear down and site clean-up)

Event coordinators will be organizing security and washroom facilities for the event.

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

# APPENDIX A

## **Bastid's BBQ 2014 (Halifax)**

### **Event Brief for Noise Exemption**

**Date:** June 28th, 2014

**Site:** Foundation Lot – 1549 Lower Water Street

#### **Description:**

Touching down in several select cities for the first time, Canada's #1 DJ/ Entertainer Skratch Bastid will unite people over an afternoon of great music provided by a cast of world-class DJs and prime barbeque cooking provided by Canada's premier food purveyors. A percentage of proceeds will be go towards our charitable sponsor Manifesto Community Projects, a non-profit organization working to unite, inspire and empower diverse communities of young people through arts & culture.

**Expected Attendance:** 2000 ppl 19+ licensed event

**Vendors:** RCR Catering

#### **Waste**

Waste Management will provide back-end waste bins: 1 garbage dumpster, 1 cardboard dumpster, some organics totes, some recyclables totes and some paper totes (numbers to be decided). These bins will be placed at the back of the lot near WDCL's waste receptacles. Waterfront Development will provide us with six (6) four-stream waste receptacles that can be placed around the site. They will also provide bags for these receptacles. Waste Management will collect the back-end bins the following day

#### **Staging/Sound:**

- Red Bull Tour Bus

#### **Staffing:**

- On Site Manager - Stefan Leacock SKR Entertainment, Inc.
- Door Staff / Ticket Sales - Pending.

## **Security/Police**

Ron Lovett @ Source Security  
Suite 208 3600 Kempt Rd, Halifax, NS B3K 4X8  
(902) 454-2070

Off Duty police officers will also be on hand to assist in the security efforts.

**Fencing** - Jeff Block at Modu-Loc - 416-540-2160

**Site Plan**: See attached.

**Insurance**. We have submitted an application through PAL Canada for commercial general liability insurance not less than \$5,000,000.

## **Event Concert/Schedule (Tentative)**

8:00 Fencing Set Up  
9:00 Load In Stage Set Up/Portable Toilet Delivery  
11:00 Set Up  
2:00 Sound Check Load In/Set Up  
3:00 DOORS / DJ ACT 1  
3:30 DJ ACT 2  
4:00 DJ ACT 3  
4:30 DJ ACT 4  
5:00 DJ ACT 5  
5:30 DJ ACT 6  
6:00 Wing Eating contest  
6:15 DJ ACT 7  
7:00 DJ ACT 8  
7:45 Party Boots (Live)  
8:30 Skratch Bastid  
10:00 DJ ACT 7  
10:45 Last Call  
11p.m. END Stage/Event Tear Down + Site Clean Up  
2 a.m. Work completed

## **Sunday June 29<sup>th</sup>, 2014**

9:00 Fencing Tear Down/Portable Toilet Pick up.

## Bastid's BBQ Tour Halifax Site Map



## 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.