

HALIFAX

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Item No. 9.1
Halifax Regional Council
September 9, 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: July 30, 2014

SUBJECT: Noise Exemption Request – Helm Fest 2014

ORIGIN

July 25, 2014 – Staff received an application from the Helm Fest 2014 organizing committee 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 Helm Fest 2014'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

Helm Fest is a new one day music festival being held at 1549 Lower Water Street on Saturday, September 20, 2014. Helm (Halifax Electronic Live Music Festival) is an electronic music festival. This is the inaugural year for the event. The event is being held in the parking lot at The Waterfront Warehouse. Set up for the event will take place on Friday, September 19, 2014 beginning at 9:00 a.m. There will be two stages and performances are scheduled to begin at 1:00 p.m. The event will conclude at midnight with a fireworks finale.

The organizing committee has advised there will be a secured 19+ licensed area. RCR Hospitality Group has a liquor license for this event and will also be providing catering services.

The set up for the stages, VIP and 19+ areas are identified in Appendix A.

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

Sunday, September 21, 2014: 12:01 a.m. - 7:00 a.m. (site tear down)

Tear down is scheduled to take place through the night of Sunday, September 21, 2014. The site needs to be cleaned up to accommodate a family day event scheduled by The Waterfront Development Corporation Limited for Sunday, September 21, 2014.

Noises in relation to the performances prior to 12:00 a.m. are exempt as per:

Prescribed Exemptions, Part 4;

- (2) Notwithstanding any other provisions of this By-law, this By-law shall not apply to:

(g) noises in relation to municipal parades, street dances or other community activities until one o'clock in the forenoon.

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 event site.

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 have been notified and have 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 along with a designated "Team Clean" of 4-6 individuals that will focus on keeping the site as clean as possible. A final clean-up is scheduled after the event to complete 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: July 25, 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, 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



July 25, 2014

Dear Erin Dobson,

My name is Sidney Enwood and I'm writing on behalf of the organizing committee for Helm Fest 2014. The purpose of this letter is to request a noise exemption permit for for the night of Saturday, September 20, 2014.

Helm Fest is a new one-day, two-stage music festival being held at 1549 Lower Water Street (at Salter Street in the Foundation Place parking lot surrounding the Waterfront Warehouse). Helm Fest is being presented by Underdog Productions and Scarab Media Inc. and the event has received approvals from the HRM Task Force Committee, Waterfront Development Corporation and RCR Hospitality Group. RCR will be extending their liquor licence for the festival's secured 19+ section and will also be providing catering services.

Regarding waste management, we are organizing a "Team Clean" that will consist of four to six individuals to be on-site throughout the event with the sole goal of keeping the site as clean as possible. Also, the Waterfront Development Corporation has agreed to supply us with their four-source separation units. Furthermore, at the conclusion of the evening, we will be hiring a local company to do a final clean-up of the site to ensure all waste is properly sorted by recycling, compost and garbage.

Below you will find Helm Fest 2014's draft timeline and site map.

Thank you very much for your consideration with this matter and please do not hesitate to contact me should you have any questions or if you require additional event details.

Best Regards,

Sidney Enwood
info@helmfest.com





Helm Fest 2014 - Timeline

Friday, September 19, 2014

- 9am – 8pm: Load-in and set-up of stages, sound equipment and fencing
- 8pm – 9pm: Sound check

Saturday September 20th

- 9am: Sound check
- 12pm: Festival gates open
- 1pm: Festival performances commence
- 12am: Festival concludes with a firework display (pending necessary permits)
- 12 am - 7am: Tear down and site clean-up
- 8am: Site inspection with Waterfront Development Corporation

Helm Fest 2014 – 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.