


HALIFAX

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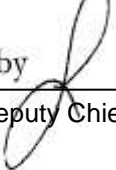
Item No. 9.2
Halifax Regional Council
September 9, 2014

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: August 11, 2014

SUBJECT: Noise Exemption Request – Gottingen 250

ORIGIN

August 7, 2014 – Staff received an application from the North End Business Association (NEBA) 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 the North End 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

Gottingen 250 is a four day event taking place from Thursday, September 11, 2014 to Sunday, September 14, 2014, to celebrate the 250th anniversary of the naming of the Gottingen area. Event organizers believe the 250th anniversary provides an opportunity to celebrate the diversity, heritage, culture, legacy and community history of North End Halifax. Performances include Mi'kmaw drumming, Spoken Word hosted by Poet Laureate El Jones, Mufaro Afrikan Dance, Uptown Revival (various blues and jazz artists), Universal Soul, Cindy Cain, JRDN, Mahone Bay German Band, Gospel Choir (formerly Deep River Boys) and many others as identified in Appendix A. The event will take place on Maitland Street between Cornwallis Street and Divas Lane. The North End Business Association confirmed that business owners will be hosting events at their establishments during regular business hours on Thursday, September 11, 2014 and Friday, September 12, 2014.

Set up for the main event will take place on Saturday, September 13, 2014 beginning at 8:00 a.m. and includes assembly of the stages, fencing and street closure. A site plan is outlined in Appendix A.

On Saturday, September 13, 2014, performances will begin at 12:00 p.m. and conclude at 1:00 a.m. on Sunday, September 14, 2014. Performances will continue on Sunday, September 14, 2014 from 1:00 p.m. to 7:15 p.m.

Noises in relation to the performances prior to 1:00 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.

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

Sunday, September 14, 2014: 7:30 p.m. - 10:00 p.m. (site tear down)

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 and a post event clean-up will take place on Monday, September 15, 2014 from 8:00 a.m. to 10 a.m.

ALTERNATIVES

1. Approve the application with conditions; or
2. Reject the application in its entirety.

ATTACHMENTS

Appendix A: August 7, 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: _____
for: Jim Donovan, Manager, Municipal Compliance, 490-6224

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

APPENDIX A



8/7/2014

Municipal Compliance, Community & Recreation Services

To: Erin Dobson, HRM
cc: Jennifer Watts, Wayne Mason

Re: Noise Exemption

Hello,

The North End Business Association (NEBA), in partnership with several organizations in North End Halifax, has organized a festival to celebrate the 250th anniversary of the naming of the Gottingen area. Gottingen 250 celebrates 1764, the year the German settlers of Halifax's North End petitioned the Governor in Council to rename the near north suburbs of the Halifax settlement known at the time as Germantown to Gottingen. The 250th anniversary is an opportunity to celebrate the special and significant history of the North End Halifax, including its diversity, heritage, culture, legacy and community. The festival will take place from September 11th to 14th, 2014 with the main event & street closure taking place on Saturday, September 14th.

NEBA is requesting an extension for noise allowance from 11pm to 1am. During this time there will be music performances taking place at our secondary stage in the Murray Warrington Park.

The Festival is being administered through NEBA and organized by a local group of volunteers. There will be collaboration in garbage disposal between NEBA and HRM. HRM will be providing 4 stream receptacles for proper sorting of waste and NEBA has hired a company to do an extensive site clean-up of the area & removal of portable toilets scheduled for the morning of Monday, September 15th.

Attached: schedule of events and the site plan.

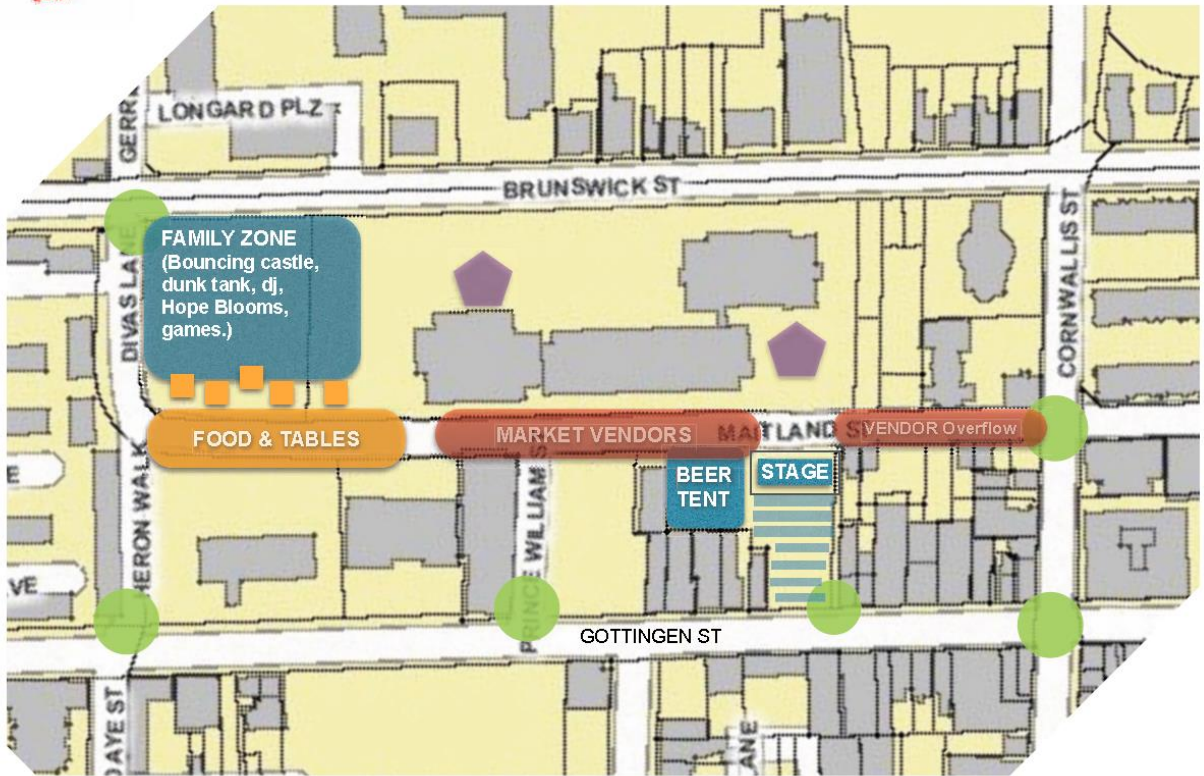
Regards,

Tracy, NEBA Administrator



GOTTINGEN 250

Site Plan (Proposed Option B)



- Main Site Entrances
- ◆ Port-a-Potties



Gottingen 250 Festival Schedule	
Saturday, September 11th, 2014	Time
Daytime Mainstage hosted by Linda Carvery	
Mi'kmaw Opening	12:00 pm
Mi'kmaw Drummers	12:15 PM
Sobaz Centreline Studio	
Daytime Maitland Second Stage	
<i>Various DJs (kids/family area) (Matthew at Library...)</i>	<i>12:00-7:00pm</i>
<i>Spoken Word hosted by Poet Laureate El Jones</i>	<i>12:30-1:00pm</i>
<i>Mufaro Afrikan Dance</i>	<i>1:30-2:15pm</i>
<i>Caribbean Dancers</i>	
Evening Mainstage hosted by Junior	
Uptown Revival (various blues and jazz artists)	3:30-6:30pm
Woozy Blank's Cypher	6:45-7:00pm
Trobiz	7:05-7:20pm
Universal Soul	7:30-8:15pm
Cindy Cain	8:30-9:30pm
JRDN	9:45-11:00pm
<i>DJ Dance Party</i>	<i>11:00-1:00am</i>
Festival Roaming Performers	
Mahone Bay German Band	<i>Throughtout Day</i>
<i>Mik'maw Artists/Performers</i>	<i>Throughtout Day</i>

August 7, 2014



Sunday, September 14th	Time
Daytime Maitland Stage	
Multi-denominational service hosted by: Comwallis Street Baptist Church Round Church PAXNorth Soul's Harbour Rescue Mission	1:00-1:45pm
PAXNorth Community Event (Pig Roast)	1:00-2:00pm
Gospel Choir (formerly Deep River Boys)	2:00-3:00pm
Daytime Mainstage hosted by	
<i>Local Bands TBD</i>	
Ria Mae	3:15-4:00pm
GhettoSocks / Jo Run	4:15-5:00pm
Scratch Bastid	5:15-7:15pm



Gottingen 250 Festival: Logistics Plan

Saturday September 13th

8:00 a.m. - 10:00 a.m.	Stage, tent, fencing set-up
9:00 a.m. - 11:00 a.m.	Vendors set-up
10:00 a.m. - 11:00 a.m.	Sound Check
12:00 p.m. - 1:00 a.m.	Music, kids activities, food and craft vendors market, historical walking tours.

Sunday September 14th

1:00 p.m. - 7:15 p.m.	Music, festival programming, community feast
7:30 p.m. - 10:00 p.m.	Tear down, clean-up

Monday September 15th

8:00 a.m. - 10:00 a.m.	Teardown, clean-up finished
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August 7, 2014

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.