



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

## Item No. 9.2

Halifax Regional Council  
August 5, 2008

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

**SUBMITTED BY:**

A handwritten signature in dark ink, appearing to read "Dan English".

\_\_\_\_\_  
Dan English, Chief Administrative Officer

A handwritten signature in dark ink, appearing to read "Wayne Anstey".

\_\_\_\_\_  
Wayne Anstey, Deputy Chief Administrative Officer - Operations

**DATE:** April 1, 2008

**SUBJECT:** Noise By-Law Exemption - Keith Urban Concert on the Common

### **ORIGIN**

July 16, 2008 application for an exemption from By-Law N-200, Respecting Noise, by Power Promotional Events Inc., attached as Appendix A.

### **RECOMMENDATION**

It is recommended that Regional Council approve an exemption from the provisions of the Noise By-law pursuant to the contents of this report and any matters raised at the hearing.

## **BACKGROUND**

Power Promotional Events Inc. is staging an open air concert on the North Common featuring Keith Urban, Charlie Major, Johnny Reid, Aaron Pritchett, Gretchen Wilson, Jimmy Rankin, Great Big Sea, and Mark Cameron. The concert is scheduled for Saturday, August 30, 2008. In order to stage a concert of this magnitude a large concert stage and other event infrastructure will be constructed on site prior to the concert, and subsequently dismantled.

In September, 1999 HRM Council adopted By-Law N-200, Respecting Noise. The by-law prohibits any person from engaging in any activity that unreasonably disturbs or tends to disturb the peace and tranquillity of a neighbourhood. Specifically, pursuant to the By-law, the Promoter is required to limit hours of concert related noise between 7:00 a.m. to 9:30 p.m., Monday to Friday; 8:00 a.m. to 7:00 p.m. Saturday; and 9:00 a.m. to 7:00 p.m. Sundays and Holidays.

Section 6 of the By-law allows for any person to request Regional Council for an exemption to any or all provisions of the noise by-law for which that person may be prosecuted.(Appendix B - provides an excerpt from the Noise By-Law). The By-law states an applicant, or any person opposed to an application, may be heard at a session of Council. Notice of the Council session must be mailed to assessed owners of property located within 100 feet of the property which is 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.

## **DISCUSSION**

As permitted by the By-law, Power Promotional Events Inc. is requesting an exemption to the Noise By-law to accommodate concert construction, performance, and dismantling:

- Work on the North Common will start on Monday, August 25<sup>th</sup> and conclude on Tuesday, September 2nd. The work includes pre-concert removal of municipal infrastructure, installation of concert infrastructure as well as the post-concert removal of concert infrastructure and reinstallation of municipal infrastructure. The daily work schedule during the week will be from 7:00 am to 9:30 pm, which is in compliance with the construction prohibition hours of the by-law except for weekends. Given the time constraints of the construction schedule, if delays occur

(weather or other unforeseen circumstances), construction could extend beyond the proposed working hours. Power Promotional Events Inc. is committed to minimizing any noise that may occur outside of these proposed working hours.

- At this time, the only known construction exception to this schedule will occur immediately following the concert when the dismantling of the production equipment will begin and continue until approximately 3:00 am. The stage structure shall not be dismantled until the next morning.
- The work may include all or some of the following: temporary installation/modification of water pipes, removal of baseball back stops, removal of light standards, construction of the stage, erection of a perimeter fence, and any other necessary projects. This work will require the use of cranes, heavy machinery, a large number of transport tractor trailers delivering/removing infrastructure and supplies, back hoes, etc.
- The majority of the construction will take place on the east side of the North Common (halfway between Cogswell Street and Cunard Street). This is the location of the concert stage.
- The concert performance hours will run from noon until 11:00 pm on Saturday, August 30<sup>th</sup>. During the concert, sound will be directed from the east side of the North Common toward Robie Street.
- During the concert set up and the actual concert, diesel generators will supply power to various locations on the concert site.

While there are no private properties to officially notify of the upcoming public hearing that exist within 100 foot distance of the Common, staff have developed and distributed a newsletter to known residences immediately surrounding the Common. The newsletters provides information on the concert and the time, date and purpose of the Council session is contained within the Concert Newsletter (Attachment 3).

Power Promotional Events Inc. hopes to lessen any disturbance to the peace and tranquillity of the neighbouring residents and businesses to the extent possible.

The complete economic impact of this concert is unknown at this time but it will generate hundreds of thousands of dollars in economic spin off. Thousands of tickets have been sold to date and these ticket holders obviously feel that the Country Rocks 2008 concert is a worthwhile entertainment option.

### **BUDGET IMPLICATIONS**

**Noise By-Law Exemption - Power Promotions**  
**Re: Keith Urban Concert on the Common**  
**Council Report**

- 4 -

**August 5, 2008**

There are no budget implications.

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

**ALTERNATIVES**

Council may choose to consider one of the following alternatives:

1. Approve the application without conditions.
2. Approve the application with conditions.

**ATTACHMENTS**

Appendix A: An 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  
Appendix C: Copy of the newsletter advising of public hearing

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: Mike Gillett, Civic Events & Festivals Coordinator, 490-4740

Report Approved by: \_\_\_\_\_  
Andrew Whittemore, A/Manager, Community Relations and Cultural Affairs 490-1585

*A. Whittemore*

Financial Approval by: \_\_\_\_\_  
Catherine Sanderson, Senior Manager, Financial Services, 490-1562

*C. Sanderson*

Report Approved by: \_\_\_\_\_  
Paul Dunphy, Director, Community Development

*P. Dunphy*

**APPENDIX A:** An application for Exemption from By-Law N-200, Respecting Noise by a representative from Power Promotional Events Inc.



---

July 16, 2008

Mike Gillette, Civic Events Coordinator  
Halifax Regional Municipality  
Halifax, Nova Scotia  
B3J 3A5

**RE: Noise Bylaw exemption Application**

Dear Mike:

Whereas Power Promotional Events Inc. will be staging a concert (Country Rocks 2008) on the Halifax Commons August 30th, 2008 we hereby make application to 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 neighborhood."

The set up and dismantling of the event will take from August 25th until September 2<sup>nd</sup> 2008 and we do not believe our activities will be in violation of the Bylaw. We seek this exemption so as to avoid the possibility that your Bylaw Enforcement Officers do not share this view.

The event will require the setting up of a complete concert stage with sound and lighting equipment along with several huge tenting structures to house necessary zones. Portable washrooms will be set up around the site and the majority of the noise will come from trucks off loading and loading with the sounds of reverse warnings being the most noise. We are committed to minimizing noise between 7:00 am to 9:30 pm, Monday to Friday and 9:00 am to 7:00 pm on Sunday & Monday. Friday night there will be some sound checks ending at 9:30 pm and again on the Saturday morning between 8:00 am and 11:00 am. The concert will start at noon on August 30<sup>th</sup> and end at 11:00 pm.

This event will generate hundreds of thousands of dollars in economic spin-offs and we trust this meets with your approval.

Regards,

David A. MacKay  
Manager Operations  
Power Promotional Events Inc.

---

**250 Brownlow Avenue, Unit 8, Dartmouth, Nova Scotia, Canada B3B 1W9**

**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.

# ON THE concert common

**HRM'S OFFICIAL CONCERT NEWSLETTER**

**VOL. 2 - ISSUE 1**

**JULY 25, 2008**

## **KEITH URBAN - COUNTRY ROCKS 2008**

Saturday, August 30, 2008, Power Promotional Events will be hosting the Country Rocks 2008 concert on the Halifax Common featuring Keith Urban with guests Charlie Major, Johnny Reid, Aaron Pritchett, Gretchen Wilson, Jimmy Rankin, Great Big Sea and Mark Cameron. The gates open and music starts at 12 p.m., and the show is scheduled to be over by 11 p.m.

As with any major event, there may be some impact to the neighbouring areas in terms of noise and ease of access. It is HRM's intent to keep residents informed about what is happening through newsletters.

HRM is committed to keeping open communications with local residents and businesses to ensure you have the information you need about the upcoming event.

### **WEB PAGE FOR COMMONS' AREA RESIDENTS AND BUSINESSES**

**Online - [www.halifax.ca/concertonthecommon](http://www.halifax.ca/concertonthecommon) - any time.**

HRM has established a special web page for your questions and concerns relating to the Concert on the Common. We'll be able to provide information about transit, parking, and site construction schedules. However, we can't provide band or tour-specific information (e.g. ticket or merchandise sale questions, vendor inquiries, etc.).

With those questions, please contact:

**Harold McKay, Power Promotional Events at 468-1236**

### **COUNCIL - PUBLIC HEARING, AUGUST 5, 2008**

HRM has a contract with the promoter that requires them to adhere to the time limits set out in the Noise By-law. However, Council can consider an exemption to these time limits in certain circumstances. The promoter has requested that the time limit for noise on the actual night of the concert to be extended to accommodate the concert and clean up. A public hearing to this effect is scheduled for August 5, 2008. Residents are encouraged to attend.

### **TRAFFIC MANAGEMENT**

At this time traffic planning details are not confirmed. However, HRM will be encouraging residents to use routes at a distance from the Common and to use public transit, if possible. This will help to reduce traffic. Confirmation on any closures will follow in the next newsletter.

**HALIFAX**  
REGIONAL MUNICIPALITY

Area councillors  
Dawn Sloane and  
Sheila Fougere are  
being updated on a  
regular basis.  
Interested residents  
may contact them at:

**Councillor  
Dawn Sloane:  
490-4752 (o)  
488-4812 (cell)**

**Councillor  
Sheila Fougere:  
452-3209 (cell)**





# concert common

ON THE

HRM'S OFFICIAL CONCERT NEWSLETTER

VOL. 2 - ISSUE 1

JULY 25, 2008

## KEITH URBAN COUNTRY ROCKS 2008

HALIFAX  
REGIONAL MUNICIPALITY

### STAGE LOCATION

The stage for the concert will be located on the Common halfway between Cogswell Street and Cunard Street on the East Side of the North Common.

### BE SAFE (MAXIMUM CAPACITY - YOUR JUDGEMENT)

Although the sound of the concert should not reach surrounding homes and businesses, if you are planning to invite people over to catch a glimpse of the activities, please follow all safety and code guidelines for maximum capacities and railings on your decks, porches, balconies and roofs. Find out what your structure is rated to withstand and do not exceed that weight - it would be terrible to find out the limits of your structure the hard way.

### CLEAN UP

HRM is working to keep the Common and surrounding area clean both during and after the concert. We hope everyone attending the concert will take advantage of the litter bins placed throughout the Common to make clean-up easier. HRM is committed to return the Common and surrounding areas to their pre-concert conditions as soon as possible. HRM has acquired two acres of carpet that will be used on the Common to protect the ground and easily return the Common to its original condition.

### VENDING INFORMATION

All questions about vending on the concert site should be directed to the promoters **(468-1236)**.

Regarding vending on HRM property, the interests of public safety require that all interested vendors apply for a vending permit and have their facilities inspected by HRM. For vending on private property, Provincial Public Health and Occupational Health and Safety legislation must be followed and appropriate zoning is required.

The promoter is responsible for negotiating and managing food and beverage contracts for the event. Vendors will need a food permit from the NS Department of Agriculture **(424-4560)**.

