



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 9.2**  
**Halifax Regional Council**  
**August 4, 2009**

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

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

**SUBMITTED BY:** \_\_\_\_\_  
Dan English, Chief Administrative Officer

**DATE:** July 22, 2009

**SUBJECT:** **Noise By-Law Exemption Application - Weir Rockin Concert Event,  
in August 2009**

---

**ORIGIN**

July 22, 2009 application for an exemption from By-Law N-200, Respecting Noise, by the non-profit Springfield Lake Recreation Association for the "Weir Rockin 09" outdoor concert outlined in Appendix A.

**RECOMMENDATION**

It is recommended that Regional Council approve the Springfield Lake Recreation Association application for an exemption from the provisions of the noise by-law pursuant to the contents of this report and any matters raised during the hearing.

## **BACKGROUND**

In September, 1999 HRM Council adopted By-Law N-200, Respecting Noise. This by-law prohibits any person from engaging in any activity that unreasonably disturbs or tends to disturb the peace and tranquillity of a neighbourhood.

Section 6 of the By-Law 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 owners of property located within 100 feet of the property(ies) 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.

An excerpt from the Noise By-Law detailing the exemption process is attached as Appendix B.

## **DISCUSSION**

The Springfield Lake Recreation Association is holding their annual “Weir Rockin Concert” event at the Weir Baseball Field in Upper Sackville, on August 22, 2009 from 7PM to midnight, with gates opening at 5:00PM.

The concert is presented by Fireside Cabinetry Ltd., with Trooper being the featuring act, and special guests Harlequin and Chambermade.

An application for exemption from the Noise By-Law has been submitted by Andy Conrad, Chair Person, Weir Rockin 09. The application details that the event:

- will take place on August 22, 2009;
- at Weir Field in Upper Sackville;
- shuttle buses will be available to and from Weir Field;
- gates will open at 5:00PM;
- concert will end at Midnight, with shuttling taking place until one o'clock in the morning;
- all area residences have received advanced notice of the event.

The applicant is requesting an exemption to the by-law as the amplified music may conflict with the following provision of By-Law N-200, Respecting Noise:

**Section 3, Part 1 which states:**

**“No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquillity of a neighbourhood”**

Mailing out notices of the time, date and purpose of the Council Session at which the hearing is proposed to take place to residents within 100 feet of the designated site identified above is complete.

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.

**BUDGET IMPLICATIONS**

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**

There are a number of alternatives available to Council in considering this application:

1. Approve the application without conditions;
2. Approve the application with conditions; or
3. Reject the application in it’s entirety.

**ATTACHMENTS**

Appendix A: July 22, 2009, application for Exemption from By-Law N-200, Respecting Noise; issued by the Springfield Lake Recreation Association.

Appendix B: Excerpt from By-Law N-200 Respecting Noise re: Grant of 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: Superintendent Bill Moore, Halifax Regional Police, 490-4817



Report Approved by: \_\_\_\_\_  
Deputy Chief, A. Burbridge, Halifax Regional Police, 490-7138

Report Approved by: \_\_\_\_\_  
Chief Frank A. Beazley, Halifax, Regional Police, 490-6500

**APPENDIX A**

Page 1 of 1

**Craig Horton - Weir Rockin 09**

---

**From:** Andy Conrad <andy.conrad@live.ca>  
**To:** <macdonac@halifax.ca>  
**Date:** July 21, 2009 4:12 PM  
**Subject:** Weir Rockin 09  
**CC:** Brad Johns <brad.johns@halifax.ca>

---

Dear Council

The Springfield Lake Recreation Association would like to request exemption to the Noise by-law N-200 for our third annual Weir Rockin' outdoor concert.

Springfield Lake Recreation is a non profit organization that operates the municipally owned recreation facilities in Middle-Upper Sackville.

The concert would be held on the Weir Baseball field, 2476 Sackville Drive on August 22nd, 2009. Gates would open at 5 pm with music from 7 pm to midnight. Buses would be shuttling people until 1 am and we'd request the exemption until 1 am.

All area residents have had advance notice from our committee and we suspect you will find all in favour of the event.

Thanks for your consideration

**Andy Conrad**  
Chairperson  
*Weir Rockin 09 - August 22, 2009*  
*Featuring TROOPER!*  
[www.WeirRockin.com](http://www.WeirRockin.com)  
902.456.3687

---

Attention all humans. We are your photos. [Free us.](#)

**APPENDIX B**

Excerpt from By-Law N-200 Respecting Noise re: Grant of 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.