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Item No. 9.1
Halifax Regional Council
March 9, 2010

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 

Dan English, Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: February 16, 2010

SUBJECT: **Noise By-Law Exemption - Canadian Cancer Society, Halifax Relay For Life**

ORIGIN

February 16, 2010 Application for an exemption from By-Law N-200, Respecting Noise, by the Canadian Cancer Society, attached as Appendix A for the "Halifax Relay for Life" charity event - June 4 and 5, 2010.

RECOMMENDATION

It is recommended that Halifax 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

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. The By-Law defines prohibited times of noise as:

- On a Monday, Tuesday, Wednesday, Thursday, or Friday until seven o'clock in the forenoon (7:00 a.m.) and after nine thirty o'clock in the afternoon (9:30 p.m.).
- On a Saturday until eight o'clock in the forenoon (8:00 a.m.) and after seven o'clock in the afternoon (7:00 p.m.).
- On a Sunday, Statutory Holiday or Remembrance Day until nine o'clock in the forenoon (9:00 a.m.) and after seven o'clock in the afternoon (7:00 p.m.).

A) Exemptions

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 which is subject to the hearing.

B) Application for Exemption

The Canadian Cancer Society is in the process of planning the "Halifax Relay for Life" charity event. The committee intends to use the Halifax Common. The overall goal of the event is to raise \$250,000 for cancer research. The run will begin at 6pm on June 4th and continue until 7a.m. on June 5th. On June 4th organizers will set-up for the event. Set-up will occur within the permitted hours of the By-Law. Tents, sound equipment and run markers will be positioned. Information booths, cancer research awareness areas and rest areas will be placed strategically throughout the Common.

DISCUSSION

The Canadian Cancer Society's "Halifax Relay for Life" charity event proposal is an all night event at the Common. The event organizers are seeking Council's approval of an exemption to the By-Law N-200, Respecting Noise. In deciding whether or not to grant an exemption, Council is to give consideration to the following:

- 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

Historically, the Halifax Relay for life has been a huge success inside both Citadel Hill Fortress and Saint Mary's Husky Stadium. The committee has requested and have received exemptions from the Noise By-Law in the past two years for the event. The event has outgrown these venues and the organizers have identified the Common as a preferred location.

While the proposed event involves on-site DJ music throughout the night, the event organizers have indicated they will consider alternatives to music after dark, including the use of personal iPods, Mp3s, or maintaining a low volume sound system.

It is staff's opinion that the altruistic aims of this event, along with the proposed efforts to reduce and control disturbance, are satisfactory and Council should support the exemption. An excerpt from the Noise By-Law detailing the exemption process is attached as Appendix B. Pursuant to policy, public notice of the time, date and purpose of the Council Session at which the hearing is being held was sent to properties surrounding the North Common. While there are no assessed owners of private property within the 100 foot distance as outlined in the Noise By-Law, HRM believe that this information should be provided to residents immediately surrounding the area for courtesy.

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

1. Approve the application with conditions.

**Noise By-Law Exemption: Canadian Cancer Society
Re: Halifax Relay for Life Event at the Halifax Common
Council Report**

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ATTACHMENTS

Appendix A: An application for Exemption from By-Law N-200, Respecting Noise, by a representative from Canadian Cancer Society.

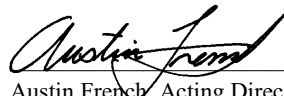
Appendix B: Excerpt from By-Law N-200, Respecting Noise, re: Granting Exemptions by Council.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Billy Comer, Events Coordinator, 490-4740

Report Reviewed by: Andrew Whittemore, Manager, Community Relations & Cultural Affairs, 490-1585

Report Approved by:



Austin French, Acting Director, Community Development, 490-6717

APPENDIX A:
An application for exemption from By-Law N-200: Canadian Cancer Society

February 12, 2010
Mr. Billy Comer
Civic Events Coordinator
HRM Special Events Task Force

Dear Mr. Comer,

Whereas The Canadian Cancer Society - Nova Scotia Division will be staging an event (Halifax Relay For Life) on the Halifax Common June 4th, 2010, we hereby make application to the 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 neighbourhood."

The set up and dismantling of the events will take place from June 4th, 2010 until June 5, 2010.

The Halifax Relay For Life is expecting 1000 participants, 150 volunteers, and 50 staff and crew. These groups will be camping overnight. 100 Cancer Survivors and 100 spectators are expected to attend- but will not be camping overnight.

Volunteers will arrive at noon on June 4th to begin site preparation (delivery of stage rentals, tents and security fencing). Sound checks for the on-site D.J. will begin at 4pm on June 4th. Music and presentations will be done from a main stage throughout the night. In previous years the Halifax Relay For Life had been granted a Noise By-Law exemption.

Each overnight participant will stay overnight with their team members in a tent. We expect 110 tents to be erected on site. In addition to this a large modular style tent would be erected to accommodate our registration operations.

The Relay is scheduled to end at 7am on June 5th. Clean up would be taken care of by a group of Volunteers and would take place between 7am and noon.

There are no services required to accommodate this event. The Canadian Cancer Society will be taking care of security and washroom facilities (portable toilets) for the event. However, access to flush toilets and electricity would be valuable to us if available.

Thank you for your support of this request. If you have any further questions please do not hesitate to contact me at telephone number 902-462-4725.

Sincerely,

A handwritten signature in cursive script, appearing to read "Emily Newkirk".

**Emily Newkirk
District Coordinator, Canadian Cancer Society
Tel. 902-462-4725
Email: emily.newkirk@ns.cancer.ca**

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.