



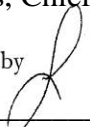
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Item No. 9.1 (i)
Halifax Regional Council
March 6, 2012

TO: Mayor Kelly 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: February 15, 2012

SUBJECT: Noise By-law Exemption, Titanic 100

ORIGIN

January 31, 2012 - Staff received an application for an exemption from By-Law N-200, Respecting Noise, by Andree Gracie, Event Manager, Titanic 100 outlined as Appendix A.

RECOMMENDATION

It is recommended that Halifax Regional Council approve the Titanic 100 application for an exemption from the provisions of the Noise By-Law pursuant to the schedule attached as Appendix C.

BACKGROUND

In September, 1999 HRM Council adopted By-Law N-200, Respecting Noise. The By-law states under the **General Prohibition** section:

3. (1) No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility 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.

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 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.

HRM is providing \$57,500 in funding to this event.

DISCUSSION

An application for exemption to By-law N-200 has been submitted by Andree Gracie, Event Manager, Titanic 100. The dates, times, and locations for the requested noise exemptions are identified in Appendix C. The event is primarily taking place at Grand Parade along with participating churches throughout the peninsula.

The event is being held on Saturday, April 14 and Sunday, April 15, 2012. Set up commences during daytime hours on Thursday, April 12, 2012 from 8 a.m. to 5:30 p.m. Other activities such as staging, sound equipment checks, event entertainment and ringing of church bells will be during evening and early morning hours beginning Friday, April 13th. The exemptions in Appendix C are requested, as the associated noise may be construed in violation of By-law N-200, Respecting Noise.

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 locations mentioned in Appendix C.

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, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

Community Engagement as described by the Community Engagement Strategy is not applicable to this process. The procedure for public notification is mandated by the Noise By-Law and as such abutting neighbours have been notified of these requests for exemption.

ALTERNATIVES

1. Approve the application without conditions;
2. Approve the application subject to conditions; or
3. Rejection of the application in its entirety.

ATTACHMENTS

- Appendix A: January 31, 2012 Application for Exemption from By-Law N-200, Respecting Noise by Titanic 100
- Appendix B: Excerpt from By-Law N-200 respecting Noise re: Granting Exemptions by Council
- Appendix C: Titanic 100 Schedule of Exemptions

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 Services, Community and Recreational Services

Report Approved by: _____
Jim Donovan, Manager, Municipal Compliance, 490-6224

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

Appendix A

Titanic 100
January 31, 2012
Mr. Mike Gillett
Senior Events Coordinator
HRM Special Events Task Force

Dear Mr. Gillett:

Whereas the Titanic 100 Society will be hosting Titanic 100 on the Grand Parade April 14/15, 2012, 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 Titanic 100 event will take place from April 12, 2012 until April 15, 2012.

- Set up commences- Thursday April 12 8 am till 5:30 pm
- Friday April 13 8 am till 9pm – we may have to do a run through and sound checks Friday pm depending on show times Saturday or we may be find to do soundchecks Saturday afternoon
- Showtime will commence at 9pm on Saturday.
- Saturday after the event we would need 5 hours after show time for production out
- Sunday - we would take the stage out, depending on end time we may be able to take it out Sat pm

As well, on the night of April 14th going into just past midnight on April 15th there will be an event in Grand Parade attracting a few thousand people and there will also be flares in the harbour, church bells ringing, horns sounding from ships and a potential flyover by a Canadian Armed Forces jet. Celebrations should end by 1 am the morning of April 15th. It is our wish that we be granted a Noise By-Law exemption.

Thank you for your support of this request. If you have any further questions please do not hesitate to contact me at telephone number 902-446-6995.

Sincerely,
Andree Gracie
Event Manager
Titanic 100
Tel. 902-446-6995
Cell: 902 401 4939
Email: agracie@accesswave.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.

Appendix C

Titanic 100 Event:

Saturday, April 14, 2012 from 9 p.m. to Sunday, April 15, 2012 - 1 a.m., Grand Parade

Teardown:

Sunday, April 15, 2012 – 1 a.m. - 6 a.m., Grand Parade

Ringing of Church Bells Sunday, April 15, 2012 at 12:20 a.m. for the following locations:

St Paul's Anglican Church, 1749 Argyle Street, Halifax

St Matthews, 1479 Barrington Street, Halifax

St Mary's Basilica, 1531 Grafton Street, Halifax

Brunswick United Church, 2107 Brunswick, Halifax

St George's Anglican, 2222 Brunswick, Halifax