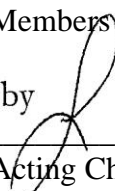


Item No. 9.1 (ii)
Halifax Regional Council
June 26, 2012

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 
Mike Labrecque, Acting Chief Administrative Officer

DATE: May 24, 2012

SUBJECT: Noise Exemption Request- FIVB World Beach Volleyball Championship

ORIGIN

May 14, 2012 – Staff received an application for an exemption from By-Law N-200, Respecting Noise, by the 2012 World Beach Volleyball Host Society, outlined as Appendix A.

RECOMMENDATION

It is recommended that Halifax Regional Council approve the 2012 World Beach Volleyball Host Society'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 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.

DISCUSSION

The 2012 FIVB Beach Volleyball SWATCH Junior World Championship will be hosted in Halifax from Wednesday August 29, 2012 to Sunday September 2, 2012. Attached is a detailed event schedule with dates and times regarding construction of event facilities, operations and event tear down. The dates and times which are requested for exemption are as follows:

Event Facilities Construction:

Thursday August 23rd: 6 p.m. – 12 a.m.

Friday, August 24th: 8 a.m. – 11 p.m.

Operation

Wednesday, August 29th: 8 a.m. – 11 p.m.

Thursday, August 30th: 8 a.m. – 11 p.m.

Friday, August 31st: 8 a.m. – 11 p.m.

Saturday, September 1st: 8 a.m. – 11 p.m.

Removal

Monday, September 3rd: 8 a.m. – 12 a.m.

Event facilities setup of a temporary stadium on the waterfront in the Salter Block lot located at Salter and Lower Water Streets will be primarily during daytime hours. Tear down and clean up will take place after the event on Monday, September 3rd.

2012 World Beach Volleyball Host Society is requesting an exemption to the by-law, as the noise associated with the event construction, operations and tear down of the temporary stadium may be in violation of the By-Law N-200, Respecting Noise, **Part 3 subsection (1) “No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood.”**

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 subject to activities identified and mentioned above.

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

None

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

The 2012 World Beach Volleyball Host Society has contacted their closest neighbor to the event; Southwest Properties at Bishop’s Landing and have requested they provide event information to the tenants. Halifax Regional Police advised there were minimal noise complaints received last year during the previous year’s event.

ENVIRONMENTAL IMPLICATIONS

Discussion took place with the event organizer to confirm appropriate waste and recycling practices will be provided on site.

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 its entirety.

ATTACHMENTS

Appendix A: May 14, 2012 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: _____
Jim Donovan, Manager, Municipal Compliance, 490-6224

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

APPENDIX A



2012 World Beach Volleyball Host Society
1549 Lower Water St. 3rd Floor
Halifax, NS B3J 1S2
May 14, 2012

Erin Dobson
Regional Coordinator, Support Services
By-Law Enforcement, Halifax Regional Police
PO Box 1749
Halifax, NS B3J 3A5

Dear Ms. Dobson:

This summer the 2012 FIVB Beach Volleyball SWATCH Junior World Championship are returning to the Halifax Waterfront for the event's first ever back to back appearance in the same city. This event will bring athletes and spectators from around the world to downtown Halifax and showcase our beautiful city. In order to deliver this world class event we will be building a temporary stadium on the waterfront in the Salter Block lot located at Salter St. and Lower Water St.

In our planning process we have identified that the construction, operation and removal of this venue will put us in violation of HRM By-Law Number N-200 Respecting Noise. We are requesting this letter be accepted as our formal request for an exemption to the above noted by-law for the period of Thursday, August 23rd, 2012 to Tuesday, September 4th, 2012.

Our anticipated construction, operation and removal timeline is as follows:

Construction:

Thursday August 23: 6pm – 12am
Friday, August 24: 8am – 11pm
Saturday August 25: 9am – 5pm
Sunday, August 26: 9am – 5pm
Monday, August 27: 9am – 5pm
Tuesday, August 28: 9am – 9pm

Operation

Wednesday, August 29: 8am – 11pm
Thursday, August 30: 8am – 11pm
Friday, August 31: 8am – 11pm
Saturday, September 1: 8am – 11pm
Sunday, September 2: 8am – 11pm

Removal

Monday, September 3: 8am – 12am
Tuesday, September 4: 8am – 2pm

We have been in contact with Southwest Properties regarding their Bishop's Landing property and are sharing event details with their tenants. We will await your response on moving forward with our application and presenting details of our event to HRM Council.

Sincerely,

A handwritten signature in black ink, appearing to read 'Derek Martin', is written over a horizontal line.

Derek Martin
President

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.