


Item No. 9.2
Halifax Regional Council
July 23, 2013

TO: Mayor Savage and Members of Halifax Regional Council

Original signed by



SUBMITTED BY:

Richard Butts, Chief Administrative Officer

Original Signed by



Mike Labrecque, Deputy Chief Administrative Officer

DATE: June 27, 2013

SUBJECT: Noise Exemption Request – University of King’s College Orientation

ORIGIN

June 12, 2013 – Staff received an application from the University of King’s College Student Union and Orientation Week Committee for an exemption from By-Law N-200, Respecting Noise, outlined as Appendix A.

LEGISLATIVE AUTHORITY

By-Law N-200, Respecting Noise, Part 6; Grant of Exemptions by Council.

RECOMMENDATION

It is recommended that Halifax Regional Council approve the King’s College Student Union and Orientation Week Committee’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 Section 3 of the **General Prohibition** section:

3. (1) No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquillity of a neighbourhood.
- (2) Without limiting the generality of subsection (1), the activities listed in Schedule "A" during the prohibited times and places as set out therein are deemed to be activities that unreasonably disturb the peace and tranquillity 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.

Part 6 of the By-Law, "**Grant of Exemptions by Council**", 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 King's College Student Union is planning two outdoor concerts as part of the King's College Orientation Week. The first concert is scheduled for Saturday, August 31, 2013, and the second is scheduled for Friday, September 6, 2013. These concerts will be held outdoors on the library steps at the University of King's College at 6350 Coburg Road. Set up and sound checks begin at 7:00 p.m.; the concerts will take place from 7:30 p.m. - 11:30 p.m.

The Committee has confirmed both events will be dry (alcohol free). The exemption is being requested until midnight the day of each concert to allow attendees to leave and volunteers to complete clean-up at the site.

An exemption from By-Law N-200, Respecting Noise, is being requested for the following times:

Saturday, August 31, 2013: 7:00 p.m. – 12:00 a.m.

Friday, September 6, 2013: 9:30 p.m. – 12:00 a.m.

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 Coburg Road location.

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.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMUNITY ENGAGEMENT

The Kings College Orientation Week is an annual event. Organizers will be contacting neighboring residents to advise them of the concerts.

ENVIRONMENTAL IMPLICATIONS

Event organizers have confirmed appropriate waste and recycling practices will be followed. Containers will be provided on site to facilitate proper sorting, recycling, composting and garbage collection.

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: June 12, 2013 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/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4240 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: for: Brad Anguish, Director, Community and Recreation Services, 490-4933

APPENDIX A

Dobson, Erin

From: King's Frosh Week <kingsfrosh2013@gmail.com>
Sent: June-12-13 12:23 PM
To: Dobson, Erin

Dear Ms. Dobson,

Please accept this as our Official Application for an exemption of B ylaw N-200, *Respecting Noise*:

On behalf of the University of King's College Student Union and the University of King's College Orientation Week I present a formal request for an exemption from B ylaw N-200 *Respecting Noise*, between 7:00PM until 12:00PM on August 31st and September 6th 2013.

The reason I am presenting this request is from August 31st until September 7th The University of King's College will be having it's Orientation Week. We have planned many activities this week for the incoming students to introduce them to the University of King's College.

The events that we request the exemption of B ylaw N-200 *Respecting Noise* are going to be open air concerts that will happen on the steps of the University of King's College Library with 300-500 King's Students and staff attending. The events will be happening from 7:30-11:30, and we ask the exemption be allowed from 7-12 to allow for cleaning up after the event, and sound check and setup before.

All the events that we have planned for the week are meant to make the incoming students feel welcome in their new home at the University of King's College. In the past, events like these have been a great venue for incoming students to meet current ones, and our lack of appropriate facilities make it impossible to have events such as these indoors. The atmosphere created by the outdoor concert will be extremely welcoming for these new students, and help us achieve our goal of making these students feel at home and safe at the University of King's College.

We are committed to taking measures to make sure we do not disturb anyone outside the university. We are aware there are private residences outside the University of King's College Campus. We will visit these residences to make them aware of the concerts we plan to have, and make sure they have a way to contact us with their concerns.

We do plan to have appropriate waste and recycling practices in place. We are having 50+ volunteers who will not only be setting up areas to dispose of waste and recycling, but also who will remain after to make sure there is nothing left after the concert. We are also prepared to send a representative to answer any questions that may arise during the Regional Council meeting.

We believe that by taking these measures, we can provide an excellent service to new members of our community, with minimal inconvenience to others.

Thank you for taking the time to listen to our request,

Sincerely,

Cameron Mitchell

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.