



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 9.3**  
**Halifax Regional Council**  
**July 22, 2014**

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

**SUBMITTED BY:** Original signed by   
Richard Butts, Chief Administrative Officer

Original Signed by Director

Brad Anguish, Director, Community Services and Recreation

**DATE:** June 20, 2014

**SUBJECT:** Noise By-Law Exemption – Halifax Pride Festival

---

#### **ORIGIN**

May 23, 2014 – Staff received an application for an exemption from By-Law N-200, Respecting Noise, by the Halifax Pride organizing committee (attached 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 Halifax Pride'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**

Halifax Pride is hosting an event on the Garrison Grounds by Citadel Hill from Thursday, July 24, 2014 to Saturday, July 26, 2014. Set up for the event will be during the day and includes the main stage, community booths, tents and sound checks. The fundraising dances will include use of a sound system and DJs. The portions of the event for which an exemption is requested from By-Law N-200 Respecting Noise are:

Saturday, July 27, 2014: 1:00 a.m. – 2:00 a.m. (fundraising dance)

Sunday, July 28, 2014: 1:00 a.m. – 2:00 a.m. (fundraising dance)

Noises in relation to the performances prior to 1:00 a.m. are exempt as per:

### **Prescribed Exemptions, Part 4;**

- (2) Notwithstanding any other provisions of this By-law, this By-law shall not apply to:
- (g) noises in relation to municipal parades, street dances or other community activities until one o'clock in the forenoon.

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 Garrison Grounds.

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**

Staff consulted with Halifax Regional Police and they advised there are no concerns regarding the event.

### **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**

1. Approve the application with conditions; or
2. Reject the application in its entirety.

### **ATTACHMENTS**

Appendix A:	May 23, 2014 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.php> 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, Community and Recreation Services, 490-4491

Original Signed

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

---

## APPENDIX A



May 23, 2014

To HRM Staff and Regional Council,

Please accept this letter as a request for a noise by-law exemption during the upcoming 2014 Halifax Pride Festival.

Halifax Pride is currently preparing to present its 27<sup>th</sup> annual festival and will once again transform the Citadel Hill – Garrison Grounds into a multipurpose event site during the final weekend of Pride. The dates and times for setup and programming on the Garrison Grounds are listed below:

Thursday, July 24<sup>th</sup>

**8:00am** : Load in for tents/fencing.

**8:00pm – 11:00pm** : Youth dance in the festival tent with a DJ and sound system.

Friday, July 25<sup>th</sup>

**8:00am** : Stage set up.

**9:00pm – 2:00am** : Nighttime dance fundraiser with DJ performances and sound system.

Saturday, July 26<sup>th</sup>

**9:00am – 1:00pm** : Sound checks for performers on stage.

**3:00pm – 6:00pm** : Festival stage performances with live bands.

**9:00pm – 2:00am** : Nighttime dance fundraiser with DJ performances and sound system.

Sunday, July 27<sup>th</sup>

**9:00am** : Stage tear down and site clean up.

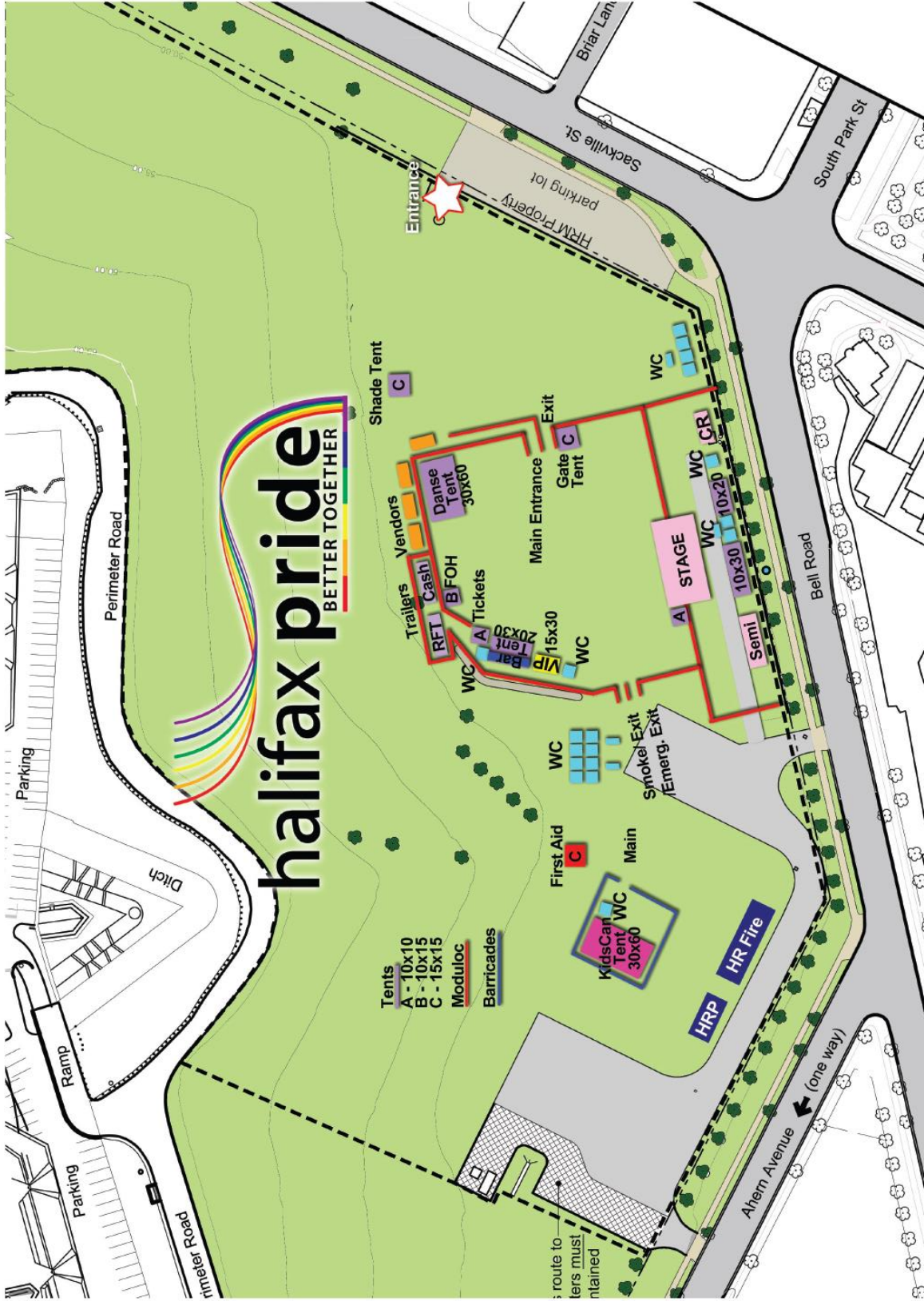
Halifax Pride is committed to working with the surrounding community while producing the festival. We will work with our tech provider to dissipate sound away from residences. We will also ensure that waste is properly sorted and that a 4-stream system (compost, recyclables, paper and garbage) is accessible to all visitors to the event.

Please do not hesitate to contact me with any questions or concerns. I can be available to meet with staff or council to answer questions in person.

Thank you,

**Original Signed**

Willem Blois  
[logistics@halifaxpride.com](mailto:logistics@halifaxpride.com)  
(902) 292 5556



## **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.