




P.O. Box 1749
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Item No. 9.1
Halifax Regional Council
August 5, 2014

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY:

Mike Labrecque, Acting Chief Administrative Officer

Original Signed by Director

Brad Anguish, Director, Community and Recreation Services

DATE: July 14, 2014

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

ORIGIN

July 11, 2014 – 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 events as part of the King’s College Orientation Week. The first event is a carnival scheduled for Saturday, August 30, 2014, and the second event is an outdoor concert scheduled for Friday, September 5, 2014. Both of the events will be held outdoors at the University of King’s College at 6350 Coburg Road.

Set up for the carnival will begin at approximately 5:00 p.m. on the day of the event. The carnival will end at 11:30 p.m., with tear down scheduled to take approximately one hour. Set up for the concert will begin at noon on September 5th, with the concert itself commencing at 5:00 p.m. The concert will end at midnight, with tear down scheduled to take approximately 30 minutes.

The exemption is being requested until 12:30 a.m. each night 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 30, 2014 - 7:00 p.m. to 12:30 a.m. on Sunday, August 31, 2014

Friday, September 5, 2014 - 9:30 p.m. to 12:30 a.m. on Saturday September 6, 2014

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. Members of the Orientation Committee will be providing letters to neighbouring property owners to provide advance notice of the orientation week events.

ENVIRONMENTAL IMPLICATIONS

Event organizers have confirmed appropriate waste and recycling practices will be followed. Containers will be provided on site by the College 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: July 11, 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/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

Original Signed

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

APPENDIX A



King's Students' Union
University of King's College
6350 Coburg Road, Halifax, NS, B3H 2A1

Noise By-Law Exemption Request

The King's Students' Union of the University of King's College will be holding an Orientation Week for all incoming students this fall, from August 30th to September 5th, 2014. The majority of the activities planned for this week will remain within the Noise By-Laws. Two events, however, are expected to extend to midnight, and will require a Noise By-Law exemption.

The first event will be held on **August 30th, 2014**. This event will be a small carnival held on the campus of the University of King's College, in the university's quad. We will begin set up at approximately 5:00 pm the day of the event. The event will host a variety of typical carnival activities such as a cotton candy maker, face painting, mock fortune telling, life-sized foosball, etc. We will also be playing music through speakers throughout the duration of the event. The major culprits for noise, therefore, will be the sounds of the crowd and the background music playing throughout the evening. The event will be concluded by 11:30 PM, at which point take down will begin immediately. Take down for the event will last from 11:30 to approximately 12:30.

The second event will be held **September 5th, 2014**. This event will be an outdoor, open air concert, with a liquor tent nearby. The concert will take place on the library steps. The liquor tent will be separate from the concert, cornered off from the rest of the event. We will begin setting up the event at noon on the day of the event; the event will begin at approximately 5:00 pm, and will conclude at 12:00 am midnight. Tear down will begin just after 12:00 am and conclude at approximately 12:30 am.

The clean up of all outdoor events will be done by facilities as well as the frosh leaders, and planners of the events.

As an additional note, throughout each day from the 30th of August to the 5th of September, there will likely be more noise than usual throughout the University of King's College campus. There will likely be moderate music playing on different occasions throughout the daylight hours (concluding well before 7:00 pm each day), and it is safe to expect a general hum from students as they move into campus and familiarize themselves with the area. A letter will be going out to all neighbours alerting them of any extra noise during the week.

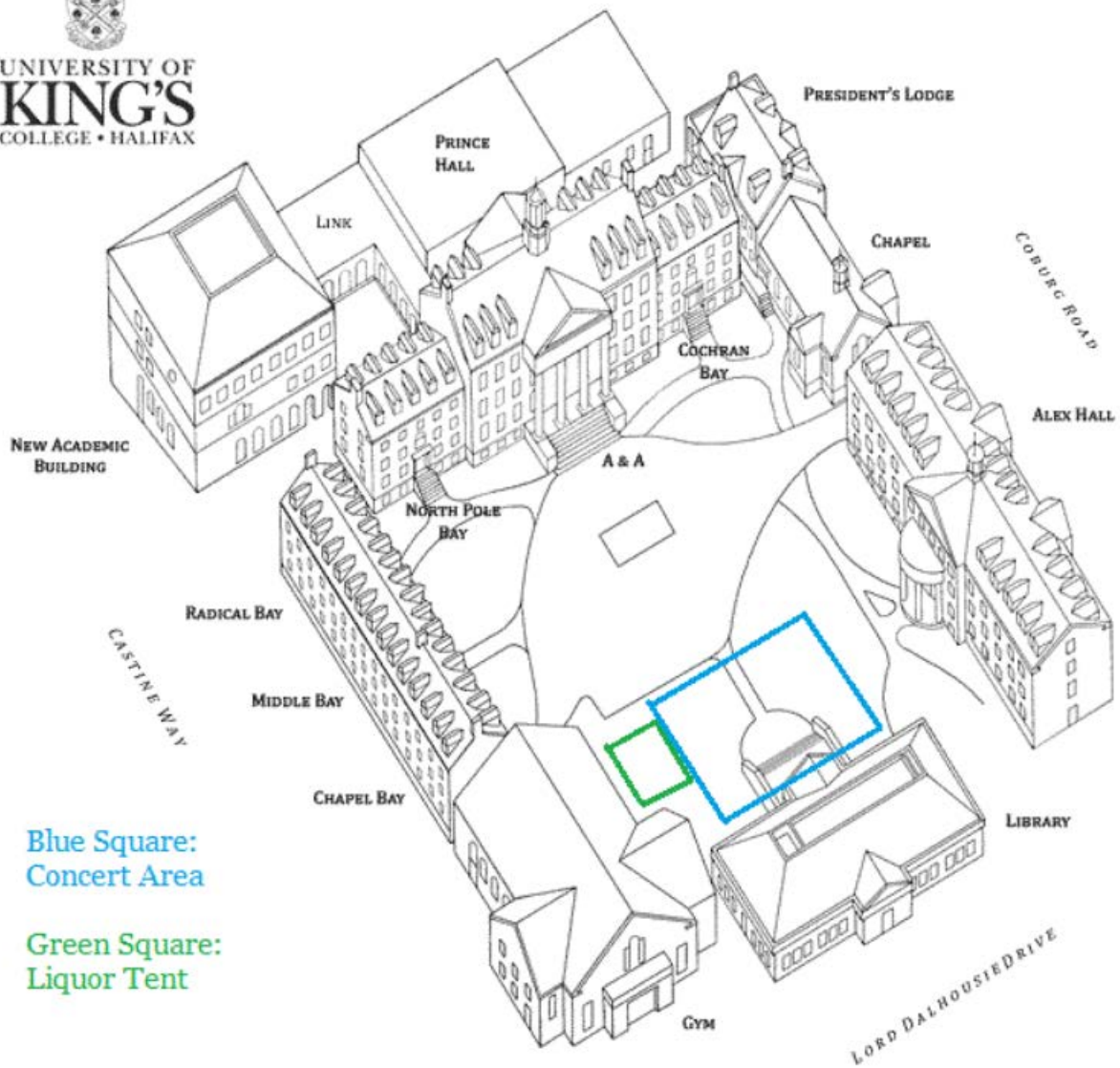
Many thanks,

Ben Singbeil, Eleanor Hornbeck, and Katharine Harrison

Orientation Week Coordinators for the King's Students' Union.



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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.