




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

**Item No. 9.2**  
**Halifax Regional Council**  
**August 5, 2014**

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

**SUBMITTED BY:** Original Signed by   
Mike Labrecque, Acting Chief Administrative Officer  
  
Original Signed by Director  
  
Brad Anguish, Director, Community and Recreation Services

**DATE:** July 21, 2014

**SUBJECT:** Noise Exemption Request – DALfest

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**ORIGIN**

July 15, 2014 – Staff received an application from the Dalhousie Student Union 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 Dalhousie Student Union'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 Dalhousie Student Union is planning two outdoor concerts as part of DALfest; a two day festival of events for new and returning students to Dalhousie University. The concerts are scheduled for Friday, September 12, 2014 and Saturday, September 13, 2014. The concerts will be held outdoors on the University Avenue portion of the Dalhousie campus which is bordered by the MacDonald building, Killiam Library and Studley Gymnasium. Both concerts will take place from 6:00 p.m. - 10:15 p.m.

The organizing committee has advised there will be a licensed area for a beer tent. The Dalhousie Student Union confirmed they have a license from Nova Scotia Alcohol and Gaming for this area.

The set up for the stage, concert site and beer tent are identified in Appendix C.

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

Friday, September 12, 2014: 9:30 p.m. – 10:30 p.m.  
Saturday, September 13, 2014: 7:00 p.m. – 10:30 p.m.

Tear down of event infrastructure will take place on Sunday, September 14, 2014 after 9:00 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 Dalhousie University.

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**

DALfest is an annual event. Dalhousie Student Union and Student Services advised they will be providing a Community Notice to neighbouring property owners to provide details of the events. Halifax Regional Police have expressed no concerns regarding these 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 14, 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

Appendix C: Quad Security Fencing Plan

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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

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## APPENDIX A



14 July, 2014

Erin Dobson  
Community & Recreational Services  
Halifax Regional Municipality

Dear Ms. Dobson,

Every year as part of our welcoming for new students, as well as returning, the Dalhousie Student Union holds an event called, DALfest. DALfest is a well-established and well run event which has been part of our programming for over 15 years. The event has evolved to become a two day festival of events and activities, culminating in a concert on the evenings of Friday September 12<sup>th</sup> 2014 and Saturday September 13<sup>th</sup> 2014.

DALfest operates under the knowledge and full support of: Dalhousie Student Union, Dalhousie University (Including VP Student Services, Society Services, Facilities Management, and Dalhousie University Community Committee).

As in the past we have and will make every effort to welcome the Dalhousie University and surrounding community, and be respectful of their time by not having an event which proceeds late into the evening. A Community Notice will be provided, as is each year. Prepared by Dalhousie University Community Relations and distributed by DSU and Student Services campaign.

Details of the event are as follows:

**Date:** September 12-13, 2013

**Time:** 3pm-10:30 pm

**Location:** Dalhousie University Quad

**\*\*Productions schedules available upon request**

**Noise level:** Not exceeding 110 Db

**Site management:** DSU and Dalhousie University Facilities Management (Waste management, portable toilets, perimeter security)

**Security:** Dalhousie University Security Services and Halifax Police Department

We very much appreciate your consideration for a noise exception for the dates of September 12-13, 2014

Regards,

Original  
signed

DSU President  
Dalhousie Student Union



## 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

