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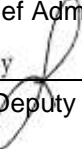
Item No. 9.1
Halifax Regional Council
February 3, 2015

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: January 12, 2015

SUBJECT: Noise By-Law Exemption – Rogers Hometown Hockey

ORIGIN

January 1, 2015 – Staff received an application for an exemption from By-Law N-200, Respecting Noise, for the Rogers Hometown Hockey Event, 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 Rogers Hometown Hockey Event 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 tranquility 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 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.

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 Rogers Hometown Hockey Event committee is requesting an exemption to By-law N-200 for the outdoor venue of the Rogers Hometown Hockey Event which is being held at Cole Harbour Place, 51 Forest Hills Parkway, Dartmouth. The Rogers Hometown Hockey Event will feature the Pittsburgh Penguins vs Chicago Blackhawks ice hockey game on Sunday, February 15. The event will also feature an outdoor projection screen of the National Television broadcast.

As the event will take place on Sunday, February 15, 2015 required equipment is scheduled to arrive on Friday, February 13, 2015 from 7:00 a.m. to 7:00 p.m. Activities during that period will include installation of tents, distribution of electrical power, assembly and installation of the entrance structure, etc.

On Saturday, February 14, 2015 work will commence at 9:00 a.m. and continue until 6:00 a.m. on Sunday, February 15. This work will include delivery and installation of the stage, lighting, audio equipment, portable toilets, event signage and pageantry. GCL (GameCentre Live), Mobile Studio video production, and Scotia Audio-Visual Services will be arriving and setting up technical and line/camera checks during the overnight hours. Some overnight snow removal may be required depending on weather conditions to facilitate the setup.

The event will open to the public between 11:00 am to 6:00 pm on Sunday, February 15, 2015. Prior to the opening there will be a VIP skate from 9:00 a.m. to 11:00 a.m. Various performances and live entertainment will take place from 11:00 a.m. to 6:00 p.m. National broadcasting of the event commences at 1:00 p.m. The spectators will view the NHL hockey game which starts at 1:30 p.m. The site will be closed to the public at 6:00 p.m.

Dismantling and removal of the stage, lighting, audio equipment, tents, power distribution system, etc. will begin at 6:00 p.m. and be completed by 2:00 a.m. on Monday, February 16, 2015.

The exemption from By-Law N-200 Respecting Noise is being requested for the following portion of the event schedule:

Event set up:

Saturday, February 14th beginning at 7:00 p.m. and ending Sunday, February 15th at 9:00 a.m.

Event tear down:

Sunday, February 15th beginning at 7:00 p.m. and ending Monday, February 16th at 2:00 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 event location at 51 Forest Hills Parkway, Dartmouth.

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 community of Cole Harbour and Cole Harbour Place has been chosen as one of the 25 National locations for the Rogers Hometown Hockey Event and celebration.

The event organizers will be setting up and dismantling equipment during hours which will not negatively impact the users of Cole Harbour Place.

Parks and Recreation staff have been working closely with the Cole Harbour Place Board of Directors and staff along with members of the community and the organizers of this event.

As Nathan MacKinnon and Sidney Crosby are both from this community it is anticipated that between 2000 -3000 people will be in attendance. The event is free to the public to attend. There will be a projected screen set up to feature the game broadcast in the parking lot area.

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: December 16, 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.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Tanya Phillips, Manager, By-Law Standards, Planning & Development 902.490.4491

Report Approved by: _____
Jim Donovan, Manager, Municipal Compliance, Planning & Development 902.490.6224

Report Approved by: _____
Bob Bjerke, Chief Planner and Director, Planning & Development, 902.490.1627

APPENDIX A

January 1, 2015

Regional Coordinator Support Services, By-Law Standards
Municipal Compliance
Planning & Development Department
P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5

Dear Erin Dobson,

This letter is our request for Noise Exemption for the Rogers Hometown Hockey Event in relation to our outdoor venue that occupies Cole Harbour Place.

Our use of the parking lot begins with the Load-in of the outdoor venue commencing on Friday, February 13 @ 7:00 a.m. and concludes with the final Load-out of equipment during Monday, February 15 at 2:00 a.m. The following is the detailed schedule of activities by day with notes regarding the type of activity, timing, etc.

Friday, February 13 – 7:00 am to 7:00 pm – Load-In Day 1

- Installation of tents as per attached site map. Installation of tent ballasts involves the use of forklift.
- Distribution of electrical power around the site. No significant noise.
- Assembly and installation of entrance structure. Use of power tools required.
- Delivery and installation of solid waste bins.

Saturday, February 14 – 9:00 am – 9:00 am – Load-In Day 2

- Delivery and installation of stage, lighting and audio equipment. Use of power tools required.
- Initial testing of sound system.
- Delivery and installation of portable toilets and waste-water handling equipment.
- Delivery and installation of event signage and pageantry. Use of power tools required.
- GCL, Mobile Studio & Scotia arrive and start set-up overnight

Sunday, February 15 – 9:00 am – 2:00 a.m.

- VIP Skate at 9:00am (TBD)
- Site opens to public at 11:00 am
- Performance on stage and live entertainment begins at 11:00 am and ends at 6:00 pm
- Broadcast and live entertainment starts at 1:00 pm
- Viewing party (of the NHL hockey game starts at 1:30 pm)
- Site closes to public at 6:00 pm
- Packing by brand ambassadors and technical crew of equipment and other material for storage until about 12:00 am.
- Dismantle and remove stage, lighting & audio equipment. Some power tools required.
- Dismantle of power distribution system.
- Dismantle and removal of tents
- Removal of portable toilets.
- Removal of operational gear to storage.

Please advise if you require any additional information regarding our application.

Regards,

Original Signed

Anne-Marie Lamothe
Account Supervisor
514 451 5893

Cole Harbour

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.