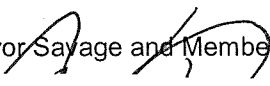


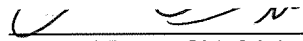


P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 9.4
Halifax Regional Council
September 8, 2015

TO: Mayor  and Members of Halifax Regional Council

Original Signed

SUBMITTED BY: 
Richard Butts, Chief Administrative Officer

DATE: August 6, 2015

SUBJECT: Noise Exemption Request – Dalhousie Orientation and DALfest

ORIGIN

July 15, 2015 – 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 an outdoor concert on September 6, 2015 as part of their orientation week festivities. The concert is being held on the University Avenue portion of the Dalhousie campus which is boarded by the MacDonald building, Killiam Library and Studley Gymnasium.

There are also two outdoor concerts planned 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 18, 2015 and Saturday, September 19, 2015. The concerts will be held outdoors at the same location on University Avenue and are scheduled from 3:00 p.m. to 10:30 p.m.

The organizing committee advised that there will be a licensed area for serving alcohol at the concerts being held on September 18 and 19, 2015. The Dalhousie Student Union confirmed they have a license from Nova Scotia Alcohol and Gaming for this area. There will also be security provided by Dalhousie Security Services and Halifax Regional Police for these events.

The set up locations for the stage, concert site and tent area serving alcohol are identified in Appendix C. The production schedule for DALfest is attached as Appendix D and E.

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

- Friday, September 18, 2015: 9:30 p.m. – 10:30 p.m.
- Saturday, September 19, 2015: 7:00 p.m. – 11:00 p.m.

Tear down of light and sound equipment will occur immediately following the event on Saturday, September 19, 2015. The remaining event infrastructure will be removed on Sunday, September 20, 2015 and Monday, September 21, 2015 during daytime hours beginning at 9:00 am.

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 event site.

Under subsections 6(3) and 6(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

Dalhousie Orientation Week and DALfest are annual events. Dalhousie Student Union advised they will be providing a Community Notice to neighbouring property owners to provide details of the events. Halifax Regional Police have not expressed any concern regarding these events.

Noise exemptions have been granted in previous years for DALfest and there were no complaints received last year.

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 15, 2015 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
- Appendix D: Production Schedule for DALfest dated, September 18, 2015
- Appendix E: Production Schedule for DALfest dated, September 19, 2015

A copy of this report can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210 or Fax 902.490.4208.

Report Prepared by: Tanva Phillips, Manager By-Law Standards 902 490 4491

Report Approved by: Original signed
Jim Donovan, Manager, Municipal Compliance 902.476.8211

Report Approved by: Original Signed
Bob Bjerke, Chief Planner and Director, Planning and Development, 902.490.1627

APPENDIX A



15 July, 2015

Erin Dobson
Community & Recreational Services
Halifax Regional Municipality

Dear Ms. Dobson,

Every year as a part of welcoming for new students, as well as returning, the Dalhousie Student Union Holds Orientation Week, and Dalfest. Orientation week is a 4 day welcoming for all new students at Dalhousie, comprised of events, activities, academic orientation, and much more. The first evening of Orientation Week, September 6th 2015, will be an outdoor concert event, with the objective of facilitating a space that fosters a positive experience, and all types of student interest. Dalfest is a well-established and well run event which has been a 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 18th 2015 and Saturday September 19th 2015.

DSU Orientation Week and Dalfest operate under the knowledge and full support of: Dalhousie Student Union, and 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 for the events are as follows:

Site Management for both events: DSU and Dalhousie University Facilities Management (Waste Management, Portable Toilets, perimeter security)

Security: Dalhousie University Security Services and Halifax Police Department

Orientation Week

Date: September 6th 2015

Time: 7pm – 10:30pm

Location: Dalhousie University Quad

Noise Level: Not exceeding 110 Db

Dalfest

Date: September 18th, 19th 2015

Time: 3pm to 10:30pm

Location: Dalhousie University Quad

*Production schedules available upon request

Noise Level: Not exceeding 110 Db

We very much appreciate your consideration for a noise exception for the dates of September 6th, 18th and 19th 2015

Regards,

Original signed

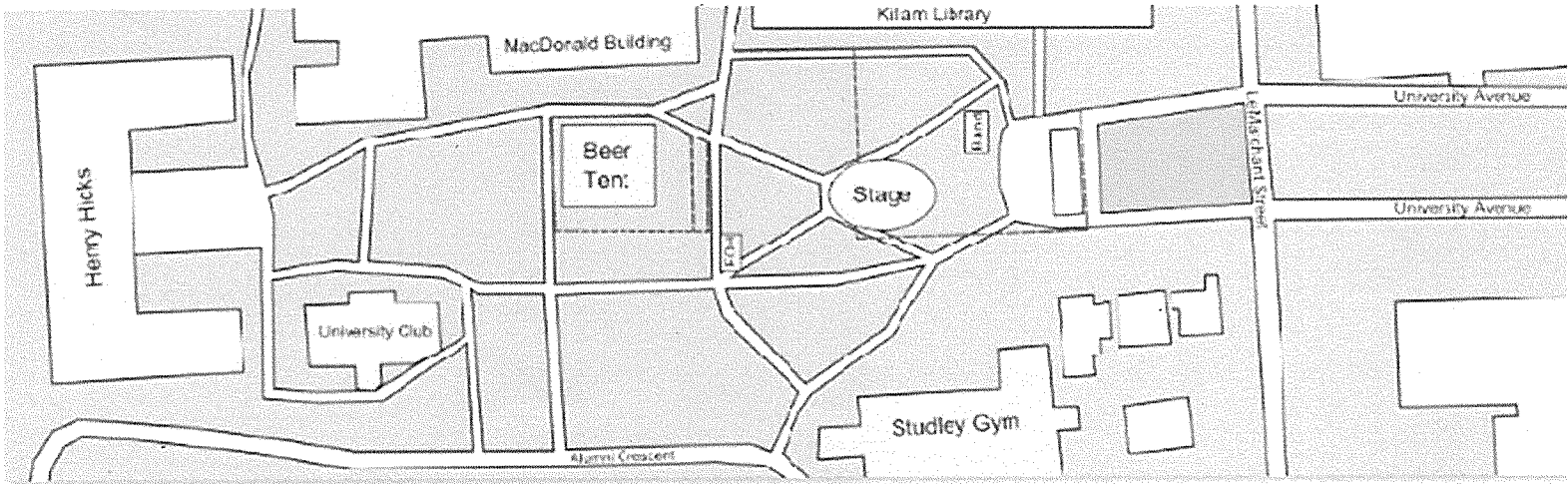
Kathleen Reid
Vice President Student Life
Dalhousie Student Union

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

APPENDIX D

Production Schedule

Dalfest 2015

Friday September 18, 2015

(V.1)

Production Call	-	09:00
Backline Load In	-	12:30
# 3 Load	-	14:00
# 3 Check	-	15:00
# 2 Load / Check	-	16:00
#1 Load / Check	-	17:00
Doors	-	17:30

Performances:

#1	18:00 – 19:00
#2	19:30 – 20:30
# 3	21:00 – 22:15

APPENDIX E

Production Schedule

Dalfest 2015

Saturday September 19, 2015

(V.1)

Production Call	-	12:30
Backline Load In	-	13:00
<u># 3 Load</u>	-	14:00
# 3 Check	-	15:00
<u># 2 Load /Check</u>	-	16:00
#1 Load / Check	-	17:00
Doors	-	17:30

Performances:

#1	18:00 – 19:00
#2	19:30 – 20:30
# 3	21:00 – 22:15