

8.2

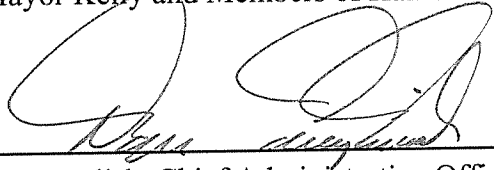



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Halifax Regional Council  
September 12, 2006

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

**SUBMITTED BY:**

  
\_\_\_\_\_  
Dan English, Chief Administrative Officer

  
\_\_\_\_\_  
Wayne Anstey, Deputy Chief Administrative Officer

**DATE:** September 6, 2006

**SUBJECT:** Noise By-Law Exemption -  
Re: Rolling Stones Concert on the Common  
\_\_\_\_\_

**ORIGIN**

September 7<sup>th</sup>, 2006 application for an exemption from By-Law N-200, respecting noise, by Events Halifax, attached as Appendix A.

**RECOMMENDATION**

It is recommended that:

Regional Council approve an exemption from the provisions of the noise by-law pursuant to the contents of this report and any matters raised at the hearing.

## **BACKGROUND**

In September, 1999 HRM Council adopted By-Law N-200, Respecting Noise. This by-law prohibits any person from engaging in any activity that unreasonably disturbs or tends to disturb the peace and tranquillity of a neighbourhood.

Section 6 of the By-Law 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 owners of property located within 100 feet of the property which is 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**

Events Halifax is in the process of planning an open air concert on the North Common featuring the Rolling Stones, Kanye West, Alice Cooper, and Sloan. The concert is scheduled for Saturday, September 23<sup>rd</sup>, 2006. In order to stage an event of this magnitude an eight story concert stage and other event infrastructure will be constructed prior to the concert and will then be dismantled after the concert. The concert performance itself is scheduled to begin at 4:00 p.m. and end at 11:00 p.m.

Events Halifax wished to notify Council that the construction and dismantling of the concert site as well as the concert performance itself may violate the Noise By-law.

Details as follows:

- Work on the North Common will start on September 17<sup>th</sup> and conclude on September 25<sup>th</sup>. The work includes pre-concert removal of municipal infrastructure, installation of concert infrastructure as well as the post-concert removal of concert infrastructure

and reinstallation of municipal infrastructure. The daily work schedule will be from 8:00 am to 8:00 pm, which is in compliance with the construction prohibition hours of the by-law except for weekends. Given the time constraints of the construction schedule, if delays occur (weather or other unforeseen circumstances), construction could extend beyond the proposed working hours. Events Halifax is committed to minimizing any noise that may occur outside of these proposed working hours.

- At this time, the only known construction exception to this schedule will occur immediately following the concert when the dismantling of the production equipment will begin and continue until approximately 4:00 am. The stage structure shall not be dismantled until the next morning.
- The work may include all or some of the following: temporary installation/modification of water pipes, removal of baseball back stops, removal of light standards, construction of the stage, erection of a perimeter fence, and any other necessary projects. This work will require the use of cranes, heavy machinery, a large number of transport tractor trailers delivering/removing infrastructure and supplies, back hoes, etc.
- The majority of the construction will take place in the southeastern corner of the North Common (corner of Cogswell Street and North Park Street). This is the location of the concert stage.
- The concert performance hours will run from 4:00 pm until 11:00 pm on September 23<sup>rd</sup>. The sound system that is being used contains directional speakers that will diminish the sound outside of the North Common boundaries but will not completely eliminate the sound outside the concert site. During the concert sound will be directed from the southeastern corner to the northwestern corner of the North Common.
- During the concert set up and the actual concert, diesel generators will supply power to various locations on the concert site.

Events Halifax is requesting an exemption to the by-law, as the concert construction, performance, and dismantling may be in violation of the following provision of By-Law N-200, Respecting Noise:

Section 3, Part 1 which states “No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquillity of a neighbourhood”

Public notice of the time, date and purpose of the Council Session at which the hearing is being held has been sent via the HRM Concert on the Common Newsletter. The newsletter was used as a means of communicating the date of the public hearing because there are no assessed owners of private

property within the 100 foot distance as outlined in the Noise By-Law. HRM owns all the property within 100 feet. Although there are no assessed owners of private property within this distance, staff felt that those properties surrounding the North Common should be informed of the public hearing. A copy of the newsletter is included as Appendix C.

One of the main concerns of Events Halifax is to lessen any disturbance to the peace and tranquillity of the neighbouring residents and businesses to the extent possible. Events Halifax and staff have, and will continue to, communicate with neighbouring residents and businesses to advise them of the work that will be necessary to stage the concert via the Concert on the Common Newsletter, the call centre information number, the web site, and Communications staff responding to enquiries directly.

The complete economic impact of this concert is unknown at this time. The concert's production manager indicated that during the 2005 Ottawa Rolling Stones concert about \$1 million was injected into the local economy as a result of production expenses. Based on this Ottawa concert information significant direct economic benefit is expected in HRM. Thousands of tickets have been sold to date and these ticket holders obviously feel that the Rolling Stones concert is a worthwhile entertainment option.

Under subsections 6(3) and (5) of the 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.

### **BUDGET IMPLICATIONS**

There are no budget implications.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### **ALTERNATIVES**

There are a number of alternatives available to Council in considering this application:

1. Approve the application without conditions.
2. Approve the application with conditions.
3. Reject the application in its entirety.

**ATTACHMENTS**

- Appendix A: An application for Exemption from By-Law N-200, Respecting Noise by a representative from Events Halifax.
- Appendix B: Excerpt from By-Law N-200 Respecting Noise re: Granting Exemptions by Council.
- Appendix C: Copy of the newsletter sent to the neighbouring citizens, advising them of the hearing scheduled for the September 12, 2006 Regional Council Session.


**Noise By-Law Exemption - Events Halifax**  
**Re: Rolling Stones Concert on the Common**  
**Council Report**

**September 12, 2006**

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Mike Gillett, Civic Events & Festivals Coordinator, 490-4740

Report Approved by:

  
Brad Anguish, P. Eng, PMP, MBA, Director, Environmental Management Services, 490-4825



September 6, 2006

Mr. Brad Anguish  
Director, Environmental Management Services  
Halifax Regional Municipality  
PO Box 1749  
Halifax, NS  
B3J 3A5

Dear Brad,

On September 23, 2006, Events Halifax in cooperation with the Halifax Regional Municipality are hosting the Rolling Stones concert on the Halifax Commons. This event will further Halifax's growing reputation as a premier event destination. The 'Bigger Bang Tour' stop promises to be a commercial win for the municipality due to increased tourist traffic and the utilization of local business in the provision of services to the concert.

The purpose of this correspondence is to request an exemption to Section 3.1 of By-Law N-200, respecting noise which states, "No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighborhood." We request this exemption to be in place over the duration of the event from September 17<sup>th</sup> to September 25<sup>th</sup>. We are committed to minimizing noise with a planned operating schedule from 8AM to 8PM daily.

The only planned intrusion of the bylaw will be the night of the concert with the event and post show removal of production equipment. As stated, it is anticipated that the post concert activity will create the only potential violation of the bylaw however, should weather or other unforeseen circumstances cause significant delays in stage construction extended hours of operation may be required. Any such construction shall be carried out with complete sensitivity to the noise levels experienced by neighborhood residents. The stage must be completed by September 22<sup>nd</sup> or the concert may not proceed with significant potential ramifications to the municipality including negative media attention, loss of revenues for local vendors, loss of significant investment of time and resources by HRM, Events Halifax and the promoters.

Throughout negotiations with the promoters we have emphasized and they have concurred that the impact to the residents in proximity to the Commons should be minimized. To reflect their commitment to this approach the promoters have set forth the following operational guidelines:

- Work on the Commons shall commence on September 17<sup>th</sup>
- Work on the Commons shall conclude on September 25<sup>th</sup>
- The production, sounds, and lights, shall be installed on September 22<sup>nd</sup> commencing at 8:00 A.M.
- Concert entertainment shall commence at 4:00 P.M. and shall conclude by 11:00 P.M.

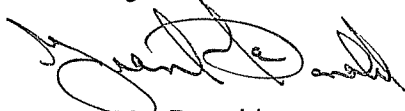
Also of note, the promoters have advised us that the sound system used during the concert is one of the most advanced in the world. This system is designed to minimize the amount of noise emitted to those who are not in the targeted area of the sound system. As such, the promoters have assured us that every effort shall be made to contain the noise to the fans in attendance and minimize noise intrusion beyond the concert site.

The five hour period immediately following the concert is the only foreseen exemption to the noise bylaw. The nature of the activity at the site will be the tear down and loading of production equipment such as video screens, lights, pyrotechnics, speakers and various other elements of the show for immediate transport to the next tour venue. Some minor elevated noise levels are inevitable given the noise of trucks, forklifts, and tractor trailers as the production equipment is removed. The stage structure shall not be dismantled until the next morning.

Our goal is to provide a successful concert. We have committed from the outset to work with HRM officials and residents to ensure the day to day lives of residents are not negatively affected. Currently we are working with HRM to communicate with local residents regarding concert details. Staff of HRM has established a Concert on the Commons hotline, distributed event newsletters and will be providing public service announcements regarding the concert. These initiatives combined with the planned presentation of concert information on the Ticket Atlantic website have opened the lines of communication to allow the public to voice their concerns and get more information on the event.

We respectfully submit that this proposal is the best case scenario to ensure a successful event while meeting the needs of the promoter, HRM, and most importantly those who reside near the commons. We appreciate your consideration of this submission and look forward to your response.

Best regards,



Grant MacDonald  
General Manager



**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.



# ON THE concert common

## #3

HRM's official concert newsletter

Vol. 1, Issue 3

Sept. 5, 2006

**HALIFAX**  
REGIONAL MUNICIPALITY

**Information for residents and businesses of the Halifax Common**

Saturday, September 23<sup>rd</sup>, 2006, Events Halifax and promoter The Next Adventure (TNA) will be hosting the Rolling Stones in concert on the Halifax Common as they begin the second North American leg of their "Bigger Bang" tour, with opening acts Sloan, Alice Cooper and Kanye West. The gates open at 1:00 p.m., the music starts at 4:30 p.m., and the show will be over by 11:00 p.m.

## Noise By-law Exemption Hearing

On Tuesday, September 12 at 6:00 p.m., at Halifax Regional Council at City Hall, the concert organizers—Events Halifax—will request an exemption to HRM's Noise By-law in order to conduct the concert.

Members of the public are welcome to attend and speak to the noise issue as they feel it will impact them. Speakers are limited to five minutes.

PLEASE NOTE: *the rules of Council require the Noise By-law hearing discussion to be confined specifically to the issue of noise. No other issue (such as general concert issues, parking, etc.) may be addressed at the hearing. All members of the public wishing to speak at the hearing must confine their remarks to the noise issue as tabled. With any other issues, please call the hotline at 490-7000.*

## Post-concert clean-up

The process of breaking down the stage, taking down the fencing and cleaning up the concert area and property adjacent to the Common will begin during the concert and continue for a few days after to ensure that the area is returned to its pre-concert condition. We appreciate your patience as this clean-up takes place. The clean-up is expected to be complete by September 26th. If you have questions or concerns about the condition of the area as of that date, please contact HRM via the hotline (490-7000) so we can address the issue.

Community  
Hotline Number:  
**490-7000**

Please call the hotline with municipally-related concert questions only - for tour and ticket info, please call Ticket Atlantic at (902) 451-1221 or go to [www.ticketatlantic.com](http://www.ticketatlantic.com)


8:30 a.m. to 5:00 p.m., Mon. to Fri. Email: [cotcinfo@halifax.ca](mailto:cotcinfo@halifax.ca) Website: [www.halifax.ca/concertonthecommon](http://www.halifax.ca/concertonthecommon)

Area Councillors are being updated on a regular basis by the HRM Special Events Task Force and other stakeholders regarding all details surrounding the concert. Interested residents may contact them at:

Councillor Dawn Sloane  
490-4752 (o)  
488-4812 (cell)

Councillor Sheila Fougere  
490-4087 (o)  
452-3209 (cell)

Councillor Sue Uteck  
425-1724 (o)  
221-7651 (cell)

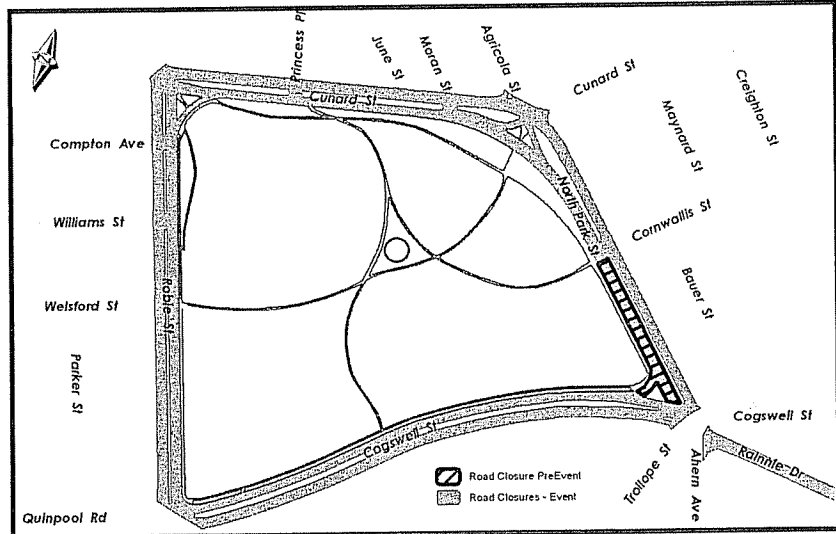
 (more info over)

# CONCERT ON THE COMMON

## Street Closure map

The following areas immediately adjacent to the Common will be involved in street closures: North Park Street, Cunard Street, Robie Street and Cogswell Street. (Rainnie Drive to Gottingen Street will also be correspondingly closed, since the street closures affect this major intersection.) These portions of these four streets will be closed on both sides of their median as of 12:01 a.m. the morning of Saturday, September 23, and the closure will continue until 6:00 a.m. the morning of Sunday, September 24.

Affected areas of the streets will be closed to all traffic but emergency vehicles. They will still be accessible to pedestrians—there will be no restrictions on residents walking to and from their homes.



## No Parking areas (Sat., Sept. 23 only)

The following parking exclusions on main arteries will help control traffic flow due to street closures:

- North Street, both sides, from Chebucto Road to Barrington Street
- Barrington Street, both sides, from Young Street to Spring Garden Road
- Hollis Street, both sides, from Cogswell to Duke Street, and then west side from Duke to Morris Street
- Spring Garden Road, north side, from Barrington to Robie Street
- Oxford Street, east side, from Coburg to Chebucto Road
- Robie Street, both sides, from North to Veteran's Memorial
- Quinpool Road, both sides, from Robie to Connaught Avenue

- Cogswell Street, north side, from North Park to Hollis Street
- Ahern Avenue, both sides, from Bell Road to Rainnie Drive
- Rainnie Drive, both sides, from Ahern Avenue to Gottingen Street
- Trollope Street, both sides, from Cogswell to Bell Road
- Sackville Street, north side, from Barrington to Summer Street

Note: existing taxi stands (e.g. Quinpool Road, Spring Garden Road, south end Robie) will not be part of the parking exclusions. (Several of the areas listed above include existing "no parking" areas, but are included to provide the total picture of the "no parking" footprint.)

## When you see these signs...

Halifax Regional Police will be enforcing all parking restrictions before, during and after the event.

Please obey all posted parking restriction signage, including those shown at right. These particular signs indicate NO PARKING in the posted area due to the special event. Violators can be ticketed and/or towed.



Upcoming issues of this newsletter will continue to address municipal concert issues for residents and businesses in the area near the Common. We value your feedback and thank you for your attention.

Community  
Hotline Number:  
**490-7000**