



# Staff Report

## Planning & Development Services – By-law

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**Report To:** Special Meeting of Council  
**Meeting Date:** August 19, 2016  
**Report Number:** PDS.16.107  
**Subject:** Blue Mountain Village Association Noise By-law Relief Request  
**Prepared by:** Sharon Long, Admin, Planning & Development Services

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### A. Recommendations

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THAT Council receive Staff Report PDS.16.107 “Blue Mountain Village Association Noise By-law Relief Request; and

THAT Council provide direction to staff in response to a request for relief from the provisions of the Noise By-law for the playing of the Tragically Hip Concert on the large screen in the events plaza on August 20, 2016 from 8:30 p.m. to 12:30 a.m..

### B. Overview

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Blue Mountain Village Association have received approval from the CBC to play the Tragically Hip Concert on the large screen on August 20, 2016 in their events plaza.

### C. Background

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Blue Mountain Village Association have requested relief from the Noise By-law to run the player of a Tragically Hip Concert on the large screen on August 20, 2016 from 8:30 p.m. to 12:30 a.m. Blue Mountain Village Association had to await confirmation from the CBC to hold this event which has just been received.

Section 3e) of the Noise By-law permits the making of noises or sounds related to the non-residential use of land permitted by a by-law enacted by the municipality pursuant to the applicable Zoning By-law from 07:00 to 19:00.

Section 3g) of the Noise By-law permits noises or sounds authorized by the Blue Mountain Village Association originating within the “Village of Blue Mountain” (Parts 1-40, Plan 16R-7451 between the hours of 07:00 hours and 23:00 hours.

It is noted that outdoor events in themselves outside of 07:00 to 19:00 are not prohibited. The making of noise is prohibited in the instance where such events are likely to disturb the peace, quiet, comfort or repose of any inhabitant.

Given the location and size of this area we do not circulate the residents within 60 metres of the property.

#### **D. Analysis**

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BMVA have received Noise By-law Relief Requests in the past to host events. We are unaware of any complaints received.

#### **E. The Blue Mountains Strategic Plan**

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Goal #1: Create Opportunities for Sustainability

#### **F. Environmental Impacts**

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N/A

#### **G. Financial Impact**

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N/A

#### **H. In consultation with**

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Greg Miller, Manager Building & By-law Services.

#### **I. Attached**

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I.1 Copy of Application for a Noise By-law Exemption.

Prepared by,

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Sharon Long  
Administrative Assistant, Planning & Development Services

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Greg Miller

Manager Building & By-law

Respectfully submitted,

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Michael Benner  
Director of Planning and Development Services

For more information, please contact:  
Greg Miller  
[gmill@thebluemountains.ca](mailto:gmill@thebluemountains.ca)  
519-599-3131 Ext. 261



# Application for a Noise By-law Exemption PDS.16.107

This form is authorized under By-law 2002-09

Form BL574

For use by Principal Authority	
Application number:	Exemption number (if different):
Date received:	Roll number:

Application submitted to: **TOWN OF THE BLUE MOUNTAINS**  
 32 Mill Street Box 310, Thornbury, ON  
 Tel: (519) 599-3131 Toll Free: 1-888-258-6867 ext. 249  
 Bylawservices@thebluemountains.ca www.thebluemountains.ca

A. Event Location (Location of the event relief is being requested)	
Building number, street name <b>Blue Mountain Village Event Plaza</b>	Unit number / Lot/con.
Postal code <b>L9Y 3Z2</b>	Plan number/other description

B. Applicant	
Applicant is: <input type="checkbox"/> Owner or <input type="checkbox"/> Authorized agent of owner	
Last name <b>Kendall</b>	First name <b>Patti</b>
Street address <b>796455 Grey Road 19</b>	Unit number / Lot/con. <b>2</b>
Municipality <b>Blue Mountains</b>	Postal code <b>L9Y 0N8</b> Province <b>ON</b>
Telephone number <b>(705) 444-7398 x227</b>	Fax ( ) Cell number

C. Owner (if different from applicant)	
Last name	First name / Corporation or partnership
Street address	Unit number / Lot/con.
Municipality	Postal code / Province
Telephone number ( )	E-Mail / Cell number ( )

D. Event Type (Other events may be considered at the sole discretion of Council)	
<input type="checkbox"/> Charitable Event	<input type="checkbox"/> Wedding/ Family Gathering
<input type="checkbox"/> Construction Related	<input checked="" type="checkbox"/> Other


E. Event Details	
Event Name (if applicable): Community event celebrating Canadian icon band the Tragically Hip with a CBC approved public viewing of the concert in Kingston, Ontario	Date of the Event: <b>Aug 20</b>
	Time of the Event: <b>8:30pm</b>
Does the Event promote charitable, educational or community objectives?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the Event support the community provincially, nationally or internationally?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the Event financially supported by the Town?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Have there been any prior noise by-law infractions associated with this event?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Description of the source of sound:  
**Video wall with speakers**

Proposed provisions to mitigate impact of noise to affected residential premises:  
**public announcements through social media and resort web sites**

Reasons the noise by-law exemption should be support (in the applicant's opinion)  
**We have had considerable outreach from the community to show the concert so the community can celebrate this one time special event together**

**F. Declaration of Applicant (Note: if owner is not the applicant attach the "Authorization to Act as Agent" form)**

I, **Patti Kendall** certify that:  
 (print name)  
 the information contained in this application; attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge. If the owner is a corporation or partnership, I am authorized to bind the corporation or partnership.  
 Signature:   
 Date: **August 9, 2016**

- Note:**
- Every application for an exemption shall be submitted a **minimum of four (4) weeks** in advance of the proposed event.
  - Every person who contravenes any provision of the Noise By-law N0. 2002-09, as amended is guilty of an offence and on conviction is liable to a penalty as provided in the *Provincial Offences Act*.