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**STAFF REPORT: Planning & Building Services Department**



**REPORT TO:** Council  
**MEETING DATE:** June 23, 2014  
**REPORT NO.:** BL.14.22  
**SUBJECT:** Panache Design Works event at Cedar Run – 324 Clark Street – Noise By-law Relief Request  
**PREPARED BY:** Sharon Long, Administrative Assistant Planning & Building Services

**A. Recommendations**

THAT Council receive Staff Report BL.14.22 “Panache Design Works event at Cedar Run – 324 Clark Street – Noise By-law Relief Request” and provide direction with respect to the request.

**B. Background**

The Town is in receipt of a request from Cathy Lane of Panache Design Works to host an event at Cedar Run as follows: We are interesting in running a family style event on Oct 11, 2014 from approx. 11 – 4. This event will be to raise money for high level dressage athletes to assist with the costs involved in maintaining and showing elite horses as well as the Georgian Triangle Human Society. We will be having around 4 riders and their horses doing a demonstration, classic cars on display, a small retail representation, entertainment in the form of a small band or dj, and hoping for agility dogs and OPP dogs as part of the live demonstration. We will be serving ribs and hoping to obtain a liquor licence for beer to be served. Our expectations are to have around 300 attendees. They request relief from the provisions of the Noise By-law (Attachment 1). This is a new event being proposed at Cedar Run.

Section 3 e) 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.

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.

In accordance with the procedures set out in our Policy & Procedures for Noise By-law Relief Requests, the residents within 60 metres were circulated. This is to confirm that no responses were received from this circulation.

**C. The Blue Mountains’ Strategic Plan**

*“Providing a strong, well managed municipal government.”*

**D. Environmental Impacts**

N/A

**E. Financial Impact**

N/A

**F. In Consultation With**

N/A

**G. Attached**

- G.1. Copy of the e-mail from Cathy Lane dated June 5, 2014.
- G.2. Office Consolidation of the Noise By-law.

Prepared by:

Respectfully submitted,

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Sharon Long  
Administrative Assistant  
Planning & Building

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Greg Miller  
Manager, Building & By-law/  
CBO

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Troy Speck  
CAO

## Sharon Long

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**From:** Cathy Lane <cathylane@panachedesignworks.ca>  
**Sent:** June-05-14 3:58 PM  
**To:** Sharon Long  
**Cc:** Kimberly Goodyear; Carolyn Irvine  
**Subject:** RE: Cedar Run Event

Hi Sharon and thank you for getting back to us.

We are interesting in running a family style event on Oct 11, 2014 from approx. 11 – 4. This event will be to raise money for high level dressage athletes to assist with the costs involved in maintaining and showing elite horses as well as the Georgian Triangle Human Society. We will be having around 4 riders and their horses doing a demonstration, classic cars on display, a small retail representation, entertainment in the form of a small band or dj, and hoping for agility dogs and OPP dogs as part of the live demonstration. We will be serving ribs and hoping to obtain a liquor licence for beer to be served. Our expectations are to have around 300 attendees.

Please let us know what other details are required and what the procedure is that we will need to follow in order to obtain a permit. If you could please let us know how long it would take before we know when we have permission to hold this event as we will need to start confirming details and advertising .

I have cc'd Kimberly who is running the event as well as Carolyn who is my office manager. If you could please include us in all correspondence.

Thank you again for getting back to us and we will look forward to hearing from you.

Cathy Lane

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**From:** Sharon Long [<mailto:slong@thebluemountains.ca>]  
**Sent:** June-05-14 2:25 PM  
**To:** [cathylane@panachedesignworks.ca](mailto:cathylane@panachedesignworks.ca)  
**Subject:** Cedar Run Event

Cathy: I received your voice message from Corrina.  
Please submit a letter or e-mail to me outlining the event that you are hosting at Cedar Run along with the date and time for the Noise By-law Relief Request.  
Thanks,

*Sharon Long*  
Administrative Assistant  
Planning & Building Services  
PO Box 310  
32 Mill Street  
THORN BURY, ON N0H 2P0  
519-599-3131 Ext. 283 Phone  
519-599-7723 Fax

# CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

## BY-LAW 2002 – 9

Office Consolidation  
(By-laws 2002-60 & 2004-16)

Being a By-law to prohibit or regulate noises within the municipality likely to disturb.

**WHEREAS** Section 210 (138) of the *Municipal Act*, chap. M.45, R.S.O. 1990 and amendments thereto enables the councils of local municipalities to pass by-laws for prohibition or regulation within the municipality of noises likely to disturb the inhabitants;

**AND WHEREAS** section 61 of the *Provincial Offences Act*, chap. P.33, R.S.O. 1990 and amendments thereto provides for a general maximum penalty upon conviction not to exceed \$5,000.00;

**AND WHEREAS** it is deemed expedient to pass a by-law for the prohibition or regulation of noise within the municipality in a format that would allow enforcement by both a Municipal Law Enforcement Officer and the Ontario Provincial Police;

**NOW THEREFORE** the Council of the Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. THAT no person shall make noise or cause noise to be made or permit noise to be made that would be likely to disturb the inhabitants of the municipality.
2. THAT for the purposes of Section 1, the following noises or sounds, among others, shall be deemed likely to disturb the inhabitants of the municipality:
  - (a) The sound or noise from, or created by, any radio, television, phonograph, or any other electronic device, or any musical or sound producing instrument of whatsoever kind when such radio, television, phonograph, device or instrument is played or operated in such a manner or with such volume likely to disturb the peace, quiet, comfort or repose of any inhabitant within, or having quiet enjoyment of the lands upon which is located, any dwelling unit, apartment building, hotel, motel, or any other type of residence.
  - (b) The yelling, shouting, hooting, whistling, singing, or any other sound made by an individual in such a manner which is likely to disturb the peace, quiet, comfort or repose of any other inhabitant within, or having quiet enjoyment of the lands upon which is located, any dwelling unit, apartment building, hotel, motel or any other type of residence.
  - (c) The operation of construction vehicles or the act of construction between the hours of 19:00 hours of any weekday to 07:00 hours of the next weekday save and except Saturday from 08:00 hours to 13:00 hours which is likely to disturb the peace, quiet, comfort or repose of any other inhabitant within, or having quiet enjoyment of the lands upon which is located, any dwelling unit, apartment building, hotel, motel or any other type of residence, unless written permission to specifically extend or alter the hereinbefore mentioned time periods has been given in writing by Council.

- (d) The sound from the operation of any powered or non-powered tool, for domestic purposes (other than snow removal) which is operated in such a manner likely to disturb the peace, quiet, comfort or repose of any inhabitant within, or having quiet enjoyment of the lands upon which is located, any dwelling unit, apartment building, hotel, motel or any other type of residence, between the hours of 23:00 hours of one day to 07:00 hours of the next day (09:00 hours on Sundays).
- (e) The persistent noise made by any domestic pet, or any animals kept for commercial purposes, likely to disturb the peace, quiet, comfort, or repose of any inhabitant in the same building or in the neighbourhood, at any time.
- (f) The grating, grinding, rattling noise or any other noise caused by a condition of disrepair or maladjustment of any motor vehicle or other vehicle whatsoever or part or accessory thereof likely to disturb the peace, quiet, comfort or repose of any other inhabitant within the municipality.

3. THAT this By-law does not affect:

- a) Any bona fide agricultural use or practice engaged in by a bona fide farmer or employee thereof.
- b) The operation of snow-making machinery or snow-grooming vehicles.
- c) The operation of snow-removal equipment.
- d) Noises or sounds authorized by the municipality. (By-law No. 2002-60)
- e) Noises or sounds related to the non-residential use of land that is permitted by a by-law enacted by the municipality pursuant to Section 34 of the *Planning Act* between the hours of 07:00 hours and 19:00 hours. (By-law 2002-60)
- f) Noises or sounds related to the non-residential use of land that is permitted pursuant to the regulations made under the *Niagara Escarpment Planning And Development Act* between the hours of 07:00 hours and 19:00 hours. (By-law 2002-60)
- g) Noises or sounds authorized by the Blue Mountain Village Association originating within the "Village at Blue Mountain" (Parts 1-40, 16R-7451) between the hours of 07:00 hours and 23:00 hours. (By-law No. 2002-60)
- h)** Noises or sounds related to the use of lands known as Part of Lot 5 and Part of Lot 6, Concession 8, Roll No.: 7-046-02, by the Blue Ridge Sportsmen's Club Inc. between the hours of 08:00 and 21:00 on any day, subject to any Provincial or Federal Statute or Regulation with regard to the discharge of firearms and/or weapons. (By-law 2004-16)

4. THAT every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a penalty as provided in the *Provincial Offences Act*.

5. THAT should any section, clause or provision of this By-law be declared by a court of a competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or in part hereof, other than the part which was declared to be invalid.

6. THAT Township of Collingwood By-laws No. 92-28, 95-37 and 96-9, Town of Thornbury By-law No. 20A-1983 and Town of The Blue Mountain By-law No. 2000-44 are hereby rescinded and repealed.

Read a first and second time this 28 day of January, 2002.

Read a third time and passed this 28 day of January, 2002

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Ross Arthur, Mayor

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Stephen Keast, Clerk