

STAFF REPORT: RECREATION DEPARTMENT



REPORT TO: Council
MEETING DATE: May 25th, 2011
REPORT NO.: DOR.11.42
SUBJECT: Blue Mountains Ribfest & Chili Cook off update
PREPARED BY: Shawn Everitt
Director of Recreation

A. Recommendations

That Council receive Staff Report DOR.11.42 entitled “Blue Mountains Ribfest & Chili Cook off update” for information purposes, and;

That Council authorize relief from the Town’s Noise By law to the Blue Mountains Chili Ribfest at Cedar Run Horse Park thereby allowing an exception to the Noise By law which would facilitate The Blue Mountains Chili Ribfest on July 8th, 9th, & 10th 2011 with the relief being limited to the making of noise from 10a.m. until 1a.m. July 8th, July 9th and July 10th 2011.

B. Background

On January 24th, 2011 Council approved the following recommendation;
THAT the Town of The Blue mountains (“Town”) endorse the combined “Chili Ribfest” as a Town “Special Event” subject to the proponents meeting to the satisfaction of the Town, the following conditions:

1. Health Unit regulations pertaining to food handling, sanitation matters, and handling and distribution of potable water;
2. Ensuring appropriate supervision and control related to traffic (on and off site), parking, noise and crowd control;
3. All applicable Town policies relating to the holding of “Special Events”

And that the Town be held harmless from any claims for damages or for personal injury as a result of this “Special Event”.

Recreation Staff has met with the organizing group a number of times and has achieved the following

- ▶ Fire Safety Plan application is being developed in consultation with The Blue Mountains Fire Department
- ▶ All access points onto Clark Street have been applied for by way of Permit application.
- ▶ All water and ecology logistics have been determined by way of an overall site plan approval
- ▶ Transportation and a Parking Management Plan has been established and submitted to the Ministry of Transportation and approval is expected
- ▶ A suggested remedy for Night Sky effect has been discussed by ensuring concert lighting is functional to aim appropriately ensuring a minimum of night sky

effect and light pollution is limited within an expectable level. This remedy does require approval from the Towns Building & By Law department upon their review.

- ▶ Remedies to ensure limited off site noise has been achieved by the placement of the concert stage on the lower level of the property with sound being directed into the natural terracing of the Grand Prix ring. In addition, there is existing mature vegetation along that well also help buffer the music
- ▶ By way of this report Staff is requesting that an exemption to the Towns Noise By Law be granted for the Friday and Saturday
- ▶ Traffic Control is being reviewed and arranged through consultation with The Blue Mountains Ontario Provincial Police Detachment

C. The Blue Mountains' Strategic Plan

Supporting the development of social and recreational programs to meet the broad range of needs in the community.

Providing a strong well managed municipal government

D. Environmental Impacts

Ensuring appropriate event planning of events and land use.

E. Budget Impact

Staff time facilitating and liaising with Land owner and organizers

F. Attached

- 1) Noise By-law

Respectfully submitted,

Signature

For more information, please contact:

Shawn Everitt, Director of Recreation
severitt@thebluemountains.ca
519-599-3131 ext. 281

CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW 2002 - 9

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:

1) Any bona fide agricultural use or practice engaged in by a bona fide farmer or employee thereof.

2) The operation of snow-making machinery or snow-grooming vehicles.

3) The operation of snow-removal equipment.