

STAFF REPORT: BUILDING & BY-LAW DEPARTMENT



REPORT TO: Planning & Building Committee
MEETING DATE: April 4th, 2011
REPORT NO.: B.11.17
SUBJECT: Noise By-law Exception - "Library 4th Annual Parking Lot Party" @ 173 Bruce Street South
PREPARED BY: Sharon Long, Admin. Assistant Building & By-law

A. Recommendations

THAT COUNCIL receive Staff Report B.11.17 and does hereby support and endorse the proposed Library 4th Annual Parking Lot party event to be held in the parking lot at the rear of the Library, 173 Bruce Street South, on June 17th 2011 from 4:00 pm to 9:30 pm , as a Community Event and as such be exempt from the provisions of the Town's Noise By-law with written notice being provided to neighbouring property owners.

B. Background

The Request

The Blue Mountains Public Library will be hosting its 4th Annual Parking Lot Party on June 17th, 2011 from 4:00 pm to 9:30 pm (Addendum "1").

The Noise By-law

The Noise By-law authorizes the making of noises or sounds authorized by the municipality.

Previous Requests for Exception

On a number of occasions, Council has granted relief from the Noise By-law for Special Events such as family gatherings, "special" birthday celebrations and weddings as well as Community and Charitable Events.

It is noted that past events have not resulted in expressed concerns by residents and that the operators have demonstrated responsible behaviour as it relates to the making of noise.

Summary

The proponent is requesting relief from the Noise By-law for a specific charitable event. As noted above, Council has previously granted exceptions to the Noise By-law for these types of events and has granted an exception in the past for this specific event without any reported incidents or concerns from neighbouring land owners/residents.

Recommendation(s)

Town Staff are recommending that Council grant an exception to the Noise By-law for this specific event.

C. The Blue Mountains' Strategic Plan

"Providing a strong, well managed municipal government."

D. Financial Impact

N/A

E. Addendums

1. Letter from Carol Cooley, CEO, The Blue Mountains Public Library.
2. Copy of Noise By-law 2002-9.
3. Council approved criteria re "Community Festival and Significant Event Designation"

Prepared by:

Approved by:

Respectfully submitted by:

Sharon Long
Administrative Assistant,
Planning & Building Services

Greg Miller
Manager, Building & By-law/
CBO

David Finbow
Director, Planning & Building
Services



The Blue Mountains
PUBLIC LIBRARY

Mayor E. Anderson & Council
Town of the Blue Mountains
26 Bridge Street
Thornbury, ON NOH 2P0

23 March 2011

Dear Mayor Anderson & Council Members,

The Library will be hosting our 4th Annual Parking Lot Party on Friday June 17th from 4:00 p.m. to 9:30 p.m. The event will include a BBQ, live music, beer gardens and children's activities. Black Angus has graciously donated all of the meat for the BBQ and Creemore Springs has also agreed to continue their sponsorship.

Due to the nature and time of the activities we would like to request an exemption from the Noise Bylaw for this event. We expect the festivities to wrap up at 9:00 p.m. with the parking lot restored to its usual state by 9:30 p.m.

Thank you for your consideration of this request. This community event is always well attended and we hope to see you there.

Yours Truly,

Carol Cooley, CEO
The Blue Mountains Public Library

cc Bylaw
Fire Dept
Police

2.

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

.....
Ross Arthur, Mayor

.....
Stephen Keast, Clerk

**Criteria for Community Festival and Significant Event Designation
Town of The Blue Mountains**

Community Festival Event

Qualifiers Promotes charitable objectives
Promotes educational objectives
Promotes community objectives

Significant Event

Qualifiers Expected to bring people to the area
Expected to create employment (temporary or full time)
Expected to promote the area provincially, nationally,
or internationally

Cultural Event

Qualifiers Promotes the area's cultural heritage
Promotes the area's natural heritage
Promotes the area's artistic heritage

Town Supported

Qualifiers Financially supported by the Town

An event can then be:

A community festival event, a significant event, a cultural event, a Town supported community festival or significant event or cultural event or any combination thereof, depending on the criteria met.