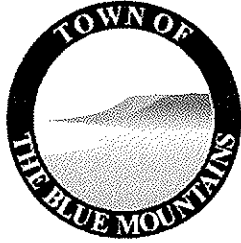


STAFF REPORT: PLANNING & BUILDING SERVICES DEPARTMENT



REPORT TO: Council
MEETING DATE: May 26, 2010
REPORT NO.: SRB.10.14
SUBJECT: "Bridges Tavern", 27 Bridge Street East – Noise By-law Relief Request
PREPARED BY: Greg Miller, Manager, Building & By-law/CBO

A. Recommendations

THAT COUNCIL receive Staff Report SRB.10.14 respecting "Bridges Tavern", 27 Bridge Street East – Noise By-law Relief Request and make a determination with respect to the noted request.

B. Background

The Town is in receipt of a request from the Operator of the subject premises for relief from the provisions of the Noise By-law (Addendum "A") on various dates & times similar to previous years.

No issues of significance have been reported in the past, save & except for complaints received from 2 residents on Louisa Street East.

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.

C. The Blue Mountains' Strategic Plan

"Providing a strong, well managed municipal government."

D. Budget Impact

N/A

E. Addendums

- A. Request from Bridges Tavern
- B. Office Consolidation of the Noise By-law

Prepared by:


Respectfully submitted by:

Greg Miller
Manager, Building & By-law/CBO

David Finbow
Director, Planning & Building
Services

Building & By-Law Department
Town of the Blue Mountains
Thornbury, Ontario

May 4, 2010

mat 10/10


Attn: David Finbow

Good Day David,

Bridges Tavern is currently organizing our summer events. May we please be considered for an exemption from the noise by-law for the following events?

Fridays & Saturdays May 14th, 2010 thru until October 9th, 2010 – music on patio until 11pm

Sundays June 6th, 2010 thru until September 5th, 2010 – Music on patio 4pm-6pm

Tuesday Evenings May 14th, 2010 thru until October 9th, 2010 – Acoustic Jam night (no amps) until 10:00pm on patio.

Here are specific events that are currently booked for the summer of 2010:

June 6th – Surprise 40th Birthday Celebration (live music on patio 9pm – 11pm)

June 13th – Fundraiser Dinner (outside microphone for guest speaker 5 – 8pm)

June 19th – Summer Solstice Celebration (music on patio 9pm – 11pm)

June 26th – Wedding (ceremony 3pm followed by live music on patio until 11pm)

July 9th – 11th – Ford Wayne Gretzky Classic (live music on patio 9pm – 11pm)

July 31st – 25th Georgian Bay Yacht Club Regatta Party (live music on patio 9pm – 11pm)

August 7th – Wedding (ceremony 3pm followed by live music on patio until 11pm)

August 14th – Wedding (ceremony 3pm followed by live music on patio until 11pm)

August 20th – Peak to Shore Music Celebration (live music on patio 9pm – 11pm)

August 21st – Wedding & Peak to Shore Music Celebration (ceremony 3pm followed by live music on patio until 11pm)

August 28th – Wedding (ceremony 3pm followed by live music on patio until 11pm)

September 4th – Annual Flip Flops & Pop Tops: Jimmy Buffett Party (live music 7 – 11pm)

September 17th – Wedding (ceremony 3pm followed by live music on patio until 11pm)

September 18th – Wedding (ceremony 3pm followed by live music on patio until 11pm)

October 9th – Wedding (ceremony 3pm followed by live music on patio until 11pm)

In all situations, music will then move indoors and all windows and doorways will remain closed unless being used to enter or exit the building.

Thank you for your time and consideration,

Meredith Brown
Owner/Operator

Bridges Tavern

B.

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