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



**REPORT TO:** Council  
**MEETING DATE:** June 17, 2013  
**REPORT NO.:** B.13.20  
**SUBJECT:** Blue Mountain Village Association –  
 Noise By-law Exemption Request  
**PREPARED BY:** Sharon Long, Administrative  
 Assistant Planning & Building  
 Services

**A. Recommendations**

THAT Council receive Staff Report B.13.20 “Blue Mountain Village Association – Noise By-law Exemption Request” and provide direction with respect to the request.

**B. Background**

The Town is in receipt of a request from the Manager, Marketing & Events for the Blue Mountain Village Association for relief from the provisions of the Noise By-law (Attachment 1) on July 5 to 7, 2013 – Jazz on the Mountain (outdoor concert) from 8:00 p.m. to 11:00 p.m. on July 5<sup>th</sup>, from 7:00 p.m. to 11:00 p.m. on July 6<sup>th</sup> and 2:00 p.m. to 5:00 p.m. on July 7<sup>th</sup>, 2013. The location of this event will be at the bottom of Happy Valley, outside of the Blue Mountain Inn. The Village Association has sent announcement notification to owners of Chateau Ridge and to hotel guests when they are booking and upon check in.

September 13 – 15, 2013 – Centurion Cycling (bike race with projected announcements through a speaker system) from 5:00 p.m. to 7:30 p.m. on September 13<sup>th</sup>, from 6:30 a.m. to 5:00 p.m. on September 14<sup>th</sup> and 6:30 a.m. to 4:00 p.m. on September 15<sup>th</sup>, 2013. The location of this event will be starting in the Village and onto Gord Canning Drive.

By-law Enforcement did not receive any complaints in 2012 with respect to the Centurion Cycling race.

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.

Section 3 g) 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.

In accordance with the procedures set out in our Policy & Procedures for Noise By-law Relief Requests, the residents within 60 metres were circulated for the Jazz on the Mountain event from July 5<sup>th</sup> to 7<sup>th</sup>. This is to confirm that no responses were received from this circulation as of June 10, 2013.

Given the location of the Centurion Cycling event and magnitude of the circulation, we did not circulate to the residents.

**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**

1. Copy of e-mail request from the Blue Mountain Village Association.
2. Office Consolidation of the Noise By-law.
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

## Sharon Long

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**From:** Greg Miller  
**Sent:** April 26, 2013 9:20 AM  
**To:** Sharon Long  
**Subject:** FW: relief to noise bylaw

FYI

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**From:** Patti Kendall [<mailto:pkendall@bluemountainvillage.ca>]  
**Sent:** April-22-13 8:51 AM  
**To:** Greg Miller  
**Cc:** [hharding@bluemountainvillage.ca](mailto:hharding@bluemountainvillage.ca); [pkendall@bluemountainvillage.ca](mailto:pkendall@bluemountainvillage.ca)  
**Subject:** relief to noise bylaw

Hi Greg,

In speaking with Shawn Everitt he suggested I contact you to request a relief to the noise bylaw for two upcoming summer events outside of the Village core.

### **Jazz on the Mountain – July 5-7**

Location:

- The bottom of Happy Valley, outside of the Blue Mountain Inn

Event:

- Outdoor concert
- Friday July 5<sup>th</sup> – 8:00pm-11:00pm
- Saturday July 6<sup>th</sup> – 7:00pm-11:00pm
- Sunday July 7<sup>th</sup> – 2:00pm – 5:00pm

Announcements:

- Event notifications will be delivered to owners of Chateau Ridge and to hotel guest when booking and upon check-in

### **Centurion Cycling – September 13-15**

Location:

- Starting in the Village onto Gord Canning Drive

Event:

- Bike race with projected announcements through a speaker system

Dates:

- Friday September 13 – 5:00pm – 7:30pm
- Saturday September 14 – 6:30am – 5:00pm
- Sunday September 15 – 6:30am – 4:00pm

Please let me know if there is anything else required for this submission.

Thank you,

Patti

**Patti Kendall**

**Manager, Marketing & Events**

[pkendall@bluemountainvillage.ca](mailto:pkendall@bluemountainvillage.ca)

705-444-7398 ext 227



Blue Mountain Village Association

796455 Grey Rd.19, 2nd Floor

Blue Mountains, ON L9Y 0N8

[www.Bluemountainvillage.ca](http://www.Bluemountainvillage.ca)



[www.applepietrail.ca](http://www.applepietrail.ca)

# 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.