

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



**REPORT TO:** Council  
**MEETING DATE:** April 23, 2014  
**REPORT NO.:** BL.14.09  
**SUBJECT:** The Blue Mountains Noise By-law Relief Requests for 2014 Events  
**PREPARED BY:** Sharon Long, Administrative Assistant, Planning & Building Services

**A. Recommendations**

THAT Council receive Staff Report “BL.14.09 “The Blue Mountains Noise By-law Relief Requests for 2014” and provide direction with respect to the requests.

**B. Background**

The Town is in receipt of a request from the Director of Community Services for relief from the provisions of the Noise By-law (Attachment 1) on the following dates & times:

**May 3<sup>rd</sup> – Launching of Boats at Thornbury Harbour “Annual”**

Sound being generated by crane lifting boats into water from land storage from 7:00 a.m. until 7:00 p.m.

**May 10<sup>th</sup> – Grey County Cycle Race “New Event”**

Sound being generated by public address speaker  
Gord Canning Drive along South Base Lodge and Swiss Meadows Boulevard adjacent to Scenic Caves Road and Blue Mountain Resort upper parking lot.

**July 1<sup>st</sup> – Canada Day Parade “Annual”**

Sound being generated by public address speaker, parade, limited live music Marsh Street from John Street in Clarksburg north on Bruce Street (Grey Road 13 to Highway 26) to the Thornbury Harbour from 7:00 a.m. to 3:00 p.m.

**August 22<sup>nd</sup> – Country Hoe Down “Annual”**

Sound being generated by disc jockey and live music  
Bruce Street South of Highway 26 (Grey Road 13) to Louisa Street from 5:00 p.m. to 10:00 p.m.

**September 5<sup>th</sup> & 6<sup>th</sup> – Beaver Valley Fall Fair “Annual”**

Sound being generated by public address speaker, limited live music and farm equipment  
Victoria Street from Alice Street to Alfred Street from 4:00 p.m. to 10:00 p.m. on September 5<sup>th</sup> and 8:00 a.m. to 5:00 p.m. on September 6<sup>th</sup>.

**September 12<sup>th</sup>, 13<sup>th</sup> & 14<sup>th</sup> – Centurion Cycling “Annual”**

Sound being generated by public address speaker as well as potential helicopter

Gord Canning Drive from Jozo Weider Boulevard to Grey Road 19 Traffic Circle through the days of the programmed events.

**October 17<sup>th</sup> & 19<sup>th</sup> – Haul Out of Boats at Thornbury Harbour “Annual”**

Sound being generated by crane lifting boats out of water to dry dock from 7:00 a.m. until 7:00 p.m.

**October 19<sup>th</sup> – Blue Mountain Marathon “Annual”**

Sound being generated by public address speaker  
Victoria Street from Alice Street to Alfred Street from 6:00 a.m. to 4:00 p.m.

**December 10<sup>th</sup> – Olde Fashioned Christmas “Annual”**

Sound being generated by disc jockey  
Bruce Street South of Highway 26 (Grey Road 13) to Louisa Street from 5:00 p.m. to 10:00 p.m.

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 municipal 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 with the “Village of Blue Mountains” (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.

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**

- G.1 Copy of Staff Report request from Director of Community Services.
- G.2 Office Consolidation of the Noise By-law.
- G.3 Council approved criteria re “Community Festival and Significant Event Designation”.

Prepared by:

Approved by:

Respectfully submitted by:

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Sharon Long  
Administrative Assistant  
Planning & Building  
Services

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Greg Miller  
Manager, Building &  
By-law/CBO

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David Finbow  
Director, Planning & Building  
Services

**STAFF REPORT: COMMUNITY SERVICES DEPARTMENT**



**REPORT TO:** Greg Miller, Manager of Building & By Law/CBO  
**MEETING DATE:** January 8, 2014  
**REPORT NO.:** CS.14.05  
**SUBJECT:** Relief to Noise By –Law for 2014 Events  
**PREPARED BY:** Shawn Everitt  
Director of Community Services

**A. Recommendations**

THAT the following requests identified through the Town's Event Notification application process for relief to the Towns Noise By-Law be considered by the Building & By-Law Department.

1. May 3<sup>rd</sup> **Launching of Boats at Thornbury Harbour "Annual"** *PRNBR 2014-002*  
Sound being generated by crane lifting boats into water from land storage from 7a.m. until 7p.m.
2. May 10<sup>th</sup> **Grey County Cycle Race "New Event"** *PRNBR 2014-003*  
Sound being generated by public address speaker  
Gord Canning Drive along South Base lodge and Swiss Meadows Boulevard adjacent to Scenic Caves Road and Blue Mountain Resort upper parking lot
3. July 1<sup>st</sup> **Canada Day Parade "Annual"** *PRNBR 2014-004*  
Sound being generated by public address speaker, parade, limited live music  
Marsh Street from John St in Clarksburg north on Bruce Street (Grey Road 13 to Highway 26) to the Thornbury Harbour from 7a.m. to 3p.m.
4. August 22<sup>nd</sup> **Country Hoedown "Annual"** *PRNBR 2013-008*  
Sound being generated by disc jockey, and live music  
Bruce Street south of Highway 26 (Grey Road 13) to Louisa Street from 5p.m to 10p.m.
5. September 5<sup>th</sup> & 6<sup>th</sup> **Beaver Valley Fall Fair "Annual"** *PRNBR 2013-009*  
Sound being generated by public address speaker, limited live music and farm equipment  
Victoria Street from Alice St to Alfred St, from 4p.m. to 10p.m. on September 5<sup>th</sup> and 8a.m. to 5p.m. on September 6<sup>th</sup>
6. September 12<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup> **Centurion Cycling "Annual"** *PRNBR 2013-010*  
Sound being generated by public address speaker as well as potential helicopter  
Gord Canning Drive from Jozo Weider Boulevard to Grey Road 19 Traffic Circle throughout the days of the programmed events

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- PRNBR2014-011
7. October 17<sup>th</sup> & 19<sup>th</sup> **Haul Out of Boats at Thornbury Harbour "Annual"**  
Sound being generated by crane lifting boats out of water to dry dock from 7a.m. until 7p.m.
  8. October 19<sup>th</sup> **Blue Mountain Marathon "Annual"** PRNBR2014-012  
Sound being generated by public address speaker  
Victoria Street from Alice St to Alfred St, from 6a.m. to 4p.m.
  9. December 10<sup>th</sup> **Old Fashioned Christmas "Annual"** PRNBR2014-013  
Sound being generated by disc jockey  
Bruce Street south of Highway 26 (Grey Road 13) to Louisa Street from 5p.m to 10p.m.

## **B. Background**

The Towns Event Notification process identifies each events requirements. The review of the above noted events have indicated that generation of sound outside the normal or typical day to day activities will be generated and therefore the relief to the Noise By-Law has been required.

Launch & Haul Out Activities for boats for the Thornbury Harbour have also been included in this request.

## **C. The Blue Mountains' Strategic Plan**

- Supporting the development of social and recreational programs to meet the broad range of needs in the community
- Preserving and enhancing natural and environmental features, and cultural heritage of the community

## **D. Environmental Impacts**

These events will have very little environmental impact.

## **E. Budget Impact**

Each event is subject to the Event Notification permit fee.

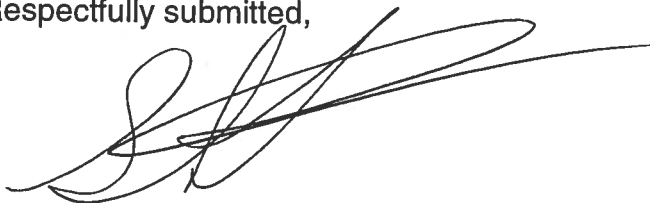
## **F. In Consultation With**

Event Organizers

## **G. Attached**

None at this time

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'S. Everitt', written over a horizontal line.

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Shawn Everitt, Director of Community Services  
**For more information, please contact:**  
severitt@thebluemountains.ca  
519-599-3131 ext 281

# 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.