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



**REPORT TO:** Council  
**MEETING DATE:** May 27, 2013  
**REPORT NO.:** B.13.15  
**SUBJECT:** "Cedar Run", 324 Clark Street –  
 Noise By-law Relief Request  
**PREPARED BY:** Sharon Long  
 Administrative Assistant, Planning  
 & Building Services

**A. Recommendations**

THAT Council receive Staff Report B.13.15 respecting "Cedar Run, 324 Clark Street – Noise By-law Relief Request" and provide direction with respect to the 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 (Attachment 1) on various dates and times similar to previous years.

By-law Enforcement did not receive any complaints in 2012 and nothing so far in 2013.

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.

In accordance with the procedures set out in our Policy & Procedures for Noise By-law Relief Requests, the residents within 60 metres were circulated. This is to confirm that no responses were received from this circulation.

**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 the letter from Cedar Run dated March 26, 2013.
2. Office Consolidation of the Noise By-law.

Prepared by:

Respectfully submitted,

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Sharon Long  
Administrative Assistant  
Planning & Building

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Greg Miller  
Manager, Building & By-law/  
CBO

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David Finbow  
Director, Planning &  
Building Services

2013-221



Horse Park

@ 324 Clark St.

March 26, 2013

Town of the Blue Mountains  
26 Bridge Street  
Thornbury, ON  
N0H 2P0

Attention: Shawn Everitt  
Members of Council

Re: Cedar Run Horse Park 2013 Schedule of Events  
Request for Noise By-Law Exemptions

RECEIVED

APR 30 2013

TOWN OF THE BLUE MOUNTAINS  
PLANNING & BUILDING SERVICES  
PER \_\_\_\_\_

Cedar Run Horse Park wishes to advise the Town of the Blue Mountains of our 2013 Event Schedule. We hereby respectfully request a Noise By-Law Exemption for each of the following dates & times.

**2013 Event Schedule**

Cedar Run Schooling Show Series.

May 4 and 18, June 8 and 22, August 3 and 17, September 21

Time: 8 am – 5pm approximately

Approximately 65-100 riders over the course of the day, competing in our 3 sand hunter/jumper rings. PA system for announcing and low volume background music for some classes.

Cedar Run Horse Trials

May 11

Time: 7:30 am through 5pm approximately.

Approximately 100 riders on site over the course of the day, competing in 2 rings and over cross country course at staggered intervals throughout the day. PA system for announcing and low volume background music at rings.

Cedar Run Trillium Shows

June 15&16, August 10&11

Time: 7:30am through 5pm approximately.

Approximately 100 to 130 riders each day over 2 days, competing in 2 adjacent hunter/jumper sand rings. PA system for announcing and low volume background music.

Cedar Run Dressage Show Series

May 25, August 31, September 28

Time: 8am through 3pm

Approximately 20 to 50 riders on site over the day, competing in 2 adjacent dressage rings. PA system for announcing and possibly low volume background music.

C/O 20 Balsam Street Suite 14 Collingwood ON, L9Y 4H7

705-444-7653 or 1-800-265-3949

[info@cedarrun.ca](mailto:info@cedarrun.ca) Website: [www.CedarRun.ca](http://www.CedarRun.ca)

CEDAR RUN PRNBR2013-221  
PLAN 1035 LOT 12 ROLL #11-140-12  
324 CLARK ST MAY 3, 2013  
NOISE BY-LAW RELIEF 2013 B13-0221

Cedar Run Classic – Gold Show

July 3 through 7

Time: 8am-6pm

Approximately 500-600 riders on site each day, competing in all sand rings and grass rings. PA system for announcing and low volume background music.

Cedar Run Tournament - Gold Show

July 10 through 14

Time: 8am-6pm

Approximately 500-600 riders on site each day, competing in all sand rings and grass rings. PA system for announcing and low volume background music.

Cedar Run Blue Mountain Celebration – Gold Show

July 17 through 21

Time: 8am-6pm

Approximately 500-600 riders on site each day, competing in all sand rings and grass rings. PA system for announcing and low volume background music.

Cedar Run Rodeo Weekend

August 24, 25

Time: 12noon to 9pm

Weekend festival featuring international rodeo competition, vendors, beer garden, Canadian Military, kid's fun zone, music. Recorded music, PA system for rodeo and Military performances. No live entertainment on site into the late evening this year.

Ontario Horse Trials Championships

September 14, 15

Time: 7:30am-5pm

Approximately 150 riders on site each day competing in 2 separate rings and over the cross country course. PA system for announcing and low volume background music at rings. Competitor party on the evening of the 14<sup>th</sup> (7pm-12pm) with live band entertainment.

Cedar Run Hunter Pace

October 5

Timeframe: 11am-6pm

Description: Casual ride through the park to mark the end of the season, 90-120 riders. PA system used for background music and announcements

# 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