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STAFF REPORT: Planning & Building Services Department



REPORT TO: June 2, 2014
MEETING DATE: Council
REPORT NO.: BL.14.15
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.14.15 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 2013 and nothing so far in 2014.

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, 2014.
2. Office Consolidation of the Noise By-law.

Prepared by:

Respectfully submitted,

Sharon Long
Administrative Assistant
Planning & Building

Greg Miller
Manager, Building & By-law/
CBO

Troy Speck
CAO



March 26, 2014

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

Attention: Shawn Everitt, Director of Recreation
Members of Council, The Blue Mountains

Re: Cedar Run Horse Park 2014 Schedule of Events
Request for Noise By-Law Exemptions

Cedar Run Horse Park wishes to advise the Town of the Blue Mountains of our 2014 Schedule of Events as below, and hereby respectfully requests a Noise By-Law Exemption for each of the following dates & times.

Cedar Run Horse Park 2014 Schedule of Events

Cedar Run Schooling Show Series

May 17, July 9, August 6 and 27, September 6

Time: 8am – 5pm approximately

Approximately 60-100 riders over the course of the day, showing in 3 sand hunter/jumper rings. PA system announcing ringside and at parking plus background music throughout each day.

Cedar Run Horse Trials

May 31/June 1 and August 16/17

Time: 7:30 am through 6pm approximately

Approximately 90-130 riders over the course of each day, showing in multiple rings and over cross country course at staggered intervals throughout the event. PA system announcing ringside, at parking and at stabling areas plus background music throughout each day.

Cedar Run Trillium Shows

June 14/15 and August 2/3

Time: 7:30am through 6pm approximately

Approximately 90 to 130 riders each day, showing in 2 hunter/jumper sand rings. PA system announcing ringside, at parking and at stabling area plus background music throughout each day.

McCowan Stables Trillium Shows at Cedar Run

June 28/29 and August 9/10

Time: 7:30am through 6pm approximately

Approximately 90 to 130 riders each day, showing in 2 hunter/jumper sand rings. PA system announcing ringside, at parking and at stabling area plus background music throughout each day.

Cedar Run Dressage Show Series

May 24, June 21, July 12, August 30, September 27

Time: 8am through 4pm approximately

Approximately 20 to 50 riders over the day, showing in 2 dressage rings on sand. PA system announcing ringside and at parking plus background music throughout each day.

Cedar Run Classic – Gold Show

July 15 through July 20

Time: 7am-6pm each day approximately

Approximately 300-400 riders each day, showing in all sand rings and grass rings on site.

Additional specialty classes and programming on weekend days until 8pm approximately. PA system announcing ringside, at parking and at stabling areas plus background music each day.

Cedar Run Tournament - Gold Show

July 22 through July 27

Time: 7am-6pm each day approximately

Approximately 300-400 riders each day, showing in all sand rings and grass rings on site.

Additional specialty classes and programming on weekend days until 8pm approximately. PA system announcing ringside, at parking and at stabling areas plus background music each day.

Cedar Run Rodeo Weekend

August 23/24

Time: 12noon to 9pm

Weekend festival featuring international rodeo competition, freestyle motorcycle show, vendor village, Canadian Military display and exercises, kid's fun zone, music, and possible licensed garden area. PA system for rodeo show, motorbike show and Military performances plus live or recorded music throughout each day. Military exercise performances including vehicles and blank ammunicions. Freestyle motorbike show in the sand ring with up to 4 bikes and obstacles.

Cedar Run Combined Events

June 22, August 31, September 28

Time: 10am to 4pm approximately

Approximately 25 to 50 riders over the day, showing in dressage rings on sand and jumper ring on grass. PA system announcing ringside and at parking plus background music.

Cedar Run 7th Annual Hunter Pace

October 4

Timeframe: 10am-5pm

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

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