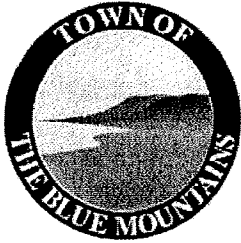


D.3

STAFF REPORT: BUILDING & BY-LAW DEPARTMENT



REPORT TO: Council
MEETING DATE: April 14th, 2008
REPORT NO.: SRB.08.14
SUBJECT: "Bridges Tavern", 27 Bridge Street East
PREPARED BY: D. Finbow, Director, Bldg & B/L
Sharon Long, Admin. Assistant
Bldg & B/L

A. Recommendations

THAT COUNCIL receive Staff Report SRB.08.14 and authorize relief from the Town's Noise By-law to Meredith Brown, "Bridges Tavern", 27 Bridge Street East, so as to permit an exception to the Noise By-law on September 6, 2008 until 23:00 (11:00 p.m.) to facilitate a wedding and further that Council direct Town Staff to correspond with those property owners within the circulation area of its decision.

B. Background

The Request & Public Notice

1. 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").
2. In response to this request, Town Staff provided notice (Addendum "B") to neighbouring property owners within 60 metres of the subject property.
3. No comments to this circulation were received by August 8, 2008.

The Noise By-law

1. Section 3 of the Noise By-law (Addendum "C") authorizes the making of noises or sounds authorized by the municipality.
2. Section 3 of the Noise By-law also 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.
3. It is important to note that outdoor events in themselves outside of 07:00 to 19:00 are not prohibited. It becomes prohibited in the instance where such events disturb the peace, quiet, comfort or repose of any inhabitant.

Previous Requests for Exception

Council has on a number of occasions granted relief from the Noise By-law for Special Events such as significant family gatherings, "special" birthday celebrations and weddings as well as Community Events such as Old Fashioned Christmas and The Blue Mountains Public Library Annual Parking Lot Party.

Summary

1. The proponent is requesting relief from the Noise By-law for a specific event. As noted above, it has been Council's practice to provide an exemption to the Noise By-law for these events to 23:00 (11:00 p.m.).
2. A copy of this Staff Report has been provided to the proponent.

Recommendation(s)

Town Staff are recommending that Council grant an exemption to the Noise By-law for this specific event with a condition that same only applies to 23:00 (11:00 p.m.),

C. The Blue Mountains' Strategic Plan

"Providing a strong, well managed municipal government."

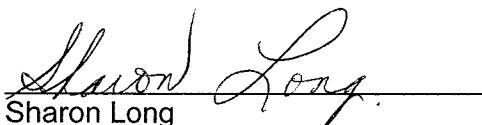
D. Budget Impact

N/A

E. Addendums

- A. Request from Bridges Tavern
- B. Sample Notice Letter & Circulation Area
- C. Office Consolidation of the Noise By-law

Prepared by:


Sharon Long
Administrative Assistant, Building & By-law

Respectfully submitted by:


David Finbow
Director, Building & By-law

A.

Building & By-Law Department
Town of the Blue Mountains
Thornbury, On
N0H 2P0

Attention: David Finbow

Dear David,

I hope this letter finds you well. The summer is quickly approaching and so are the wedding inquiries for Bridges Tavern. I know that changes in the noise by-law will not happen overnight, so I was hoping to deal with each event individually for now.

I would like to apply for an extension on the Noise By-Law for Saturday September 6th. A bride has made an inquiry about having a DJ inside a tent until 12am. I have been unable to give her an answer to date, but she is getting anxious. Her decision to have her wedding here is based on this single factor. I hope we can find a solution that works for both of us.

Thank you very much for your time,



Meredith Brown
Owner/Operator

meredith@bridgestavern.com
(705) 441-6531 Cell

Bridges

TAVERN



Town of The Blue Mountains

26 Bridge Street East
Box 310
THORNBURY, ON N0H 2P0
www.thebluemountains.ca

April 2nd, 2008

HAND DELIVERY AND REGULAR MAIL

**RE: Noise By-law Exemption Request
27 Bridge Street East ("Bridges Tavern")
The Blue Mountains**

Please be advised that the Town is in receipt of a request from the owner and/or operator of the subject premises for an exemption to the Town's Noise By-law. In particular, the owner and/or operator is requesting permission to:

Permit the making of noise on Saturday September 6th, 2008 until 12:00 am.

This request will be considered by Town Council at its regularly scheduled meeting on April 14, 2008. If you wish to provide your comments related to this request, you can do so by delivering a letter to the Town Clerk clearly marked "Noise By-law Exemption Request – 27 Bridge Street" or by email to slong@thebluemountains.ca both by April 8, 2008.

If you have any questions, please contact myself at 519.59.3131, extension 249 or slong@thebluemountains.ca.

Yours truly,

TOWN OF THE BLUE MOUNTAINS

Sharon Long
Administrative Assistant
Building & By-law

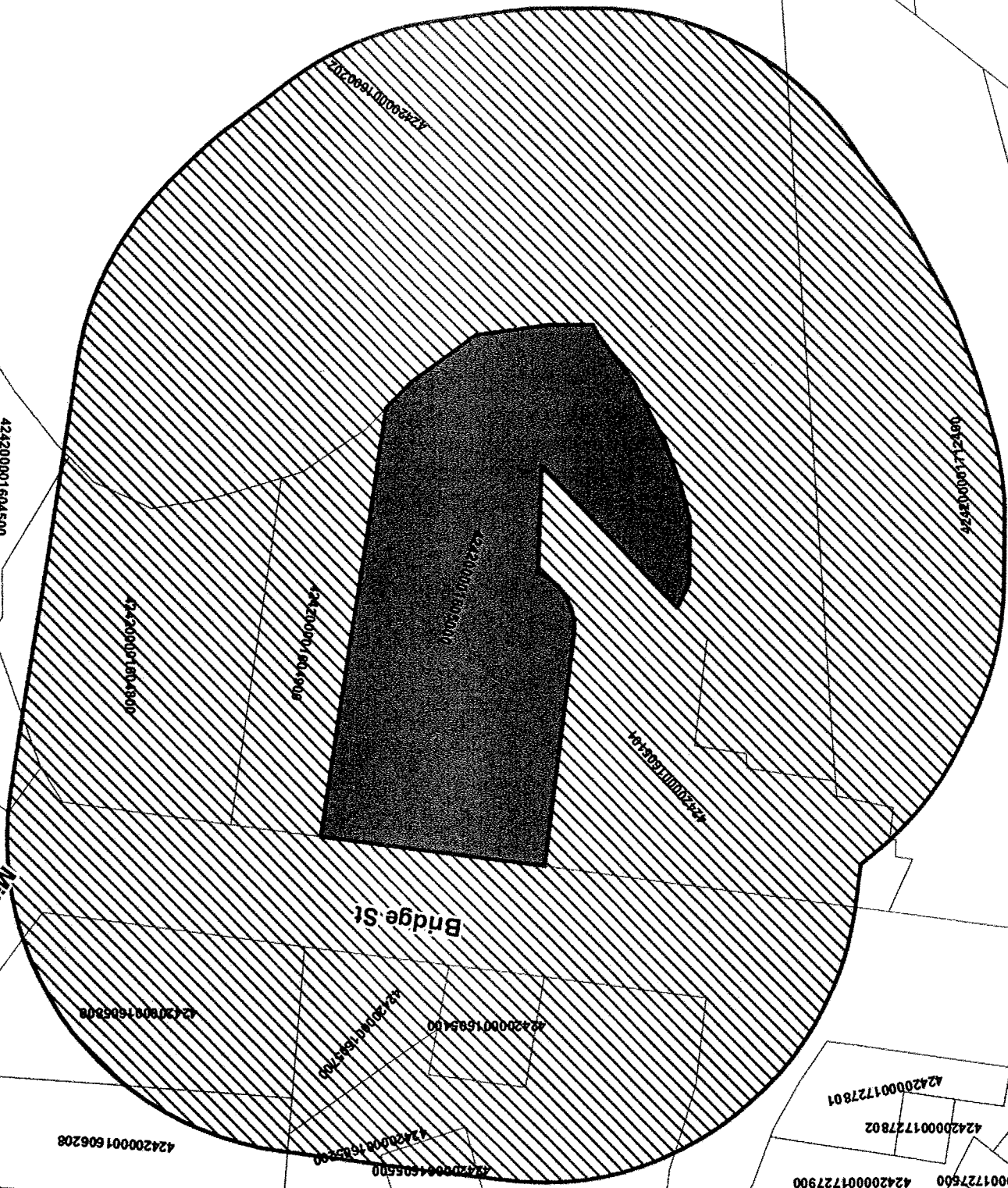
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Mill St



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Bridge St

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42420000172300

Hester St

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C.

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