

STAFF REPORT: BUILDING & BY-LAW DEPARTMENT



REPORT TO: Council
MEETING DATE: May 12th, 2008
REPORT NO.: SRB.08.24
SUBJECT: Noise By-law Exception -
"Canadian Cancer Society Relay
For Life" @ Beaver Valley
Community School (189 Bruce
Street South)
PREPARED BY: Sharon Long, Admin. Assistant
Building & By-law

A. Recommendations

THAT COUNCIL receive Staff Report SRB.08.24 and authorize an exception from the Town's Noise By-law, By-law No. 2002-9, so as to permit the making of noise related to the "Canadian Cancer Society Relay For Life" Event at the Beaver Valley Community School, 189 Bruce Street South, on July 18 and 19, 2008, with the condition that no exemption be granted as it relates to music or noise from a PA System or similar amplification system between 11:00 p.m. and 7:00 a.m. and that Town Staff provide notices to neighbouring property owners of the event and specific duration.

B. Background

The Request

The Canadian Cancer Society will be hosting its second annual Relay For Life event on July 18th & 19th, 2008 (Addendum "A").

The Noise By-law

The Noise By-law authorizes the making of noises or sounds authorized by the municipality.

Previous Requests for Exception

On a number of occasions, Council has granted relief from the Noise By-law for Special Events such as family gatherings, "special" birthday celebrations and weddings as well as Community and Charitable Events.

Summary

The proponent is requesting relief from the Noise By-law for a specific charitable event. As noted above, Council has previously granted exceptions to the Noise By-law for these types of events and has granted an exception in the past for this specific event without any reported incidents or concerns from neighbouring land owners/residents.

Recommendation(s)

Town Staff are recommending that Council grant an exception to the Noise By-law for this specific event.

Note: Town Staff will be reporting to the next Finance & Administration Committee with respect to an interim policy related to the processing of requests for exceptions to the Town's Noise By-law including criteria and fees for same.

C. The Blue Mountains' Strategic Plan

"Providing a strong, well managed municipal government."

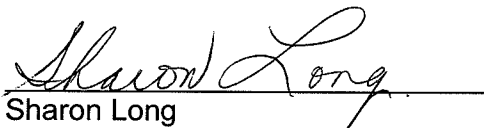
D. Budget Impact

N/A

E. Addendums

1. Copy of e-mail request from Bill Abbotts.
2. Copy of Noise By-law 2002-9.
3. Sample Notice letter & circulation area.
4. Council approved criteria re "Community Festival and Significant Event Designation"

Prepared by:


Sharon Long
Administrative Assistant, Building & By-law

Respectfully submitted by:


David Finbow
Director, Building & By-law

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Sharon Long

From: Bill Abbotts [bill_abbotts@hotmail.com]
Sent: Thursday, May 01, 2008 4:09 PM
To: Sharon Long
Subject: Noise bylaw relief for Relay for Life event on the July 18/19, 2008

Town of the Blue Mountains

The Relay for Life committee would like to respectfully request relief from the noise bylaw for the evening of Friday July 18th 2008 & morning of Saturday July 19th for our event at the Beaver Valley Community School. As you may know this is an overnight community event to raise money for cancer research. We will have a stage near the back of the school which will be used for entertainment/announcements until 11:00 pm. After 11:00 pm we would like to play music softly for the teams that are walking the track during the night. We will closely monitor the volume to make sure none of the neighbours are affected. As we did last year we will be visiting all the neighbours to make them aware of the event and invite them to participate.

Thanks

Bill Abbotts

Phone - 519 599-6457
Cell - 705 444-4067
Email - Bill_Abbotts@hotmail.com

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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



Town of The Blue Mountains

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

3.

May 2nd, 2008

HAND DELIVERY

TO: Residents of Russell Street East
Residents on Napier Street East on the south side
Residents on Bruce Street South on the east side

RE: **Noise By-law Exemption Request**
189 Bruce Street South ("Bluewater District School Board")
The Blue Mountains

Please be advised that the Town is in receipt of a request from The Canadian Cancer Society Relay For Life for an exemption to the Town's Noise By-law at the Beaver Valley Community School. In particular, they are requesting permission to:

Permit the making of noise from approximately 6:00 p.m. Friday July 18th, 2008 to 11:00 am on Saturday July 23rd, 2008 with no exemption as it relates to the PA System, after 11:00 pm.

This request will be considered by Town Council at its regularly scheduled meeting on May 12th, 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 – Relay For Life" or by email to slong@thebluemountains.ca both by May 6th, 2008.

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

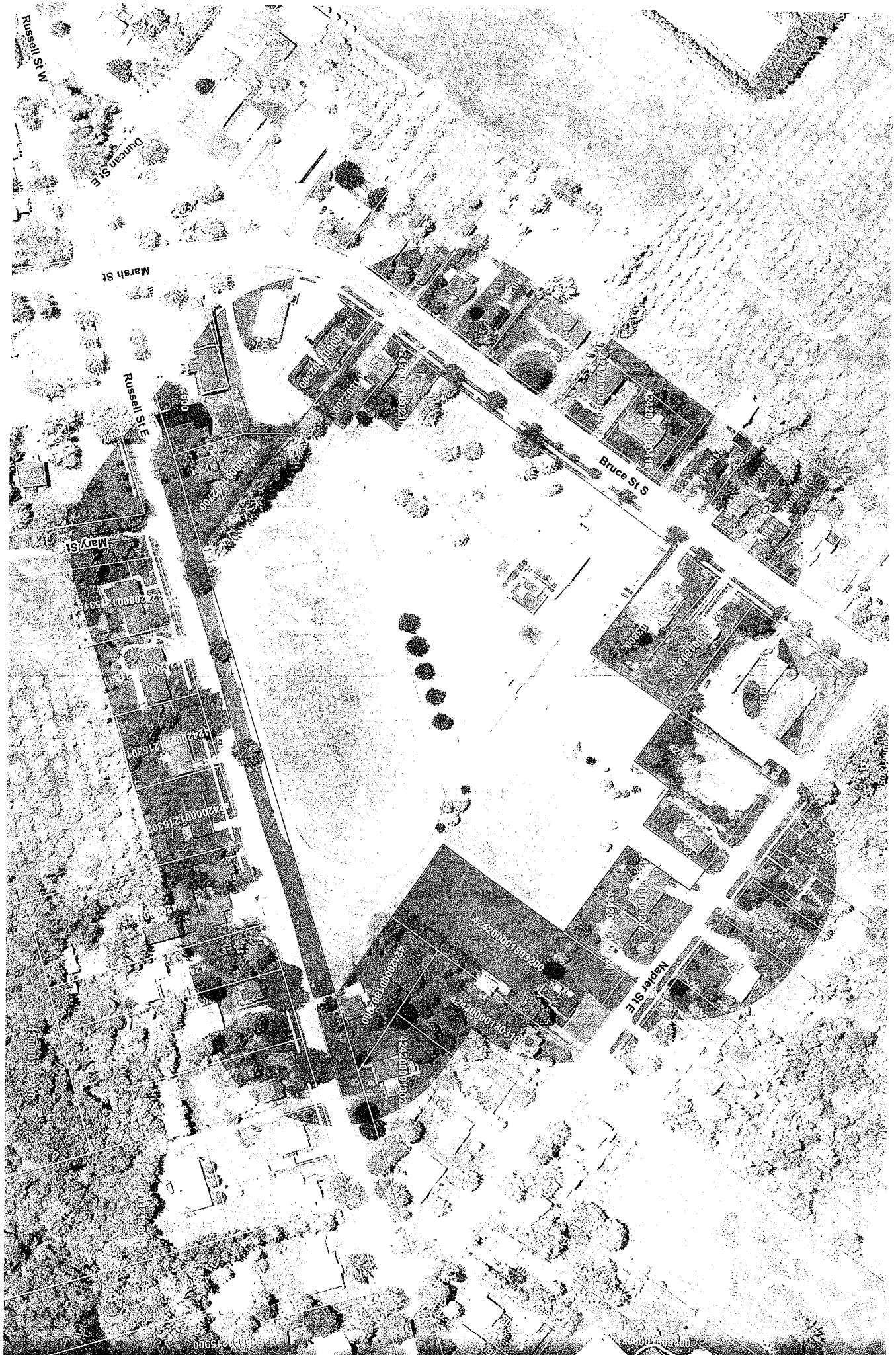
Yours truly,

TOWN OF THE BLUE MOUNTAINS

A handwritten signature in cursive script that reads "Sharon Long".

Sharon Long
Administrative Assistant
Building & By-law

K:\BEO\2008\Noise\Residents 189 Bruce Street South.doc



Russell St W

Duncan St E

Marsh St

Russell St E

Mary St

Bruce St S

Napper St E

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.