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STAFF REPORT: BUILDING & BY-LAW DEPARTMENT



REPORT TO: Finance & Admin. Committee
MEETING DATE: May 22, 2008
REPORT NO.: SRB.08.32
SUBJECT: Policy – Noise By-law Relief
PREPARED BY: Sharon Long, Administrative Assistant, Building & By-law

A. Recommendations

THAT Council receive staff report SRB.08.32 for information purposes and adopt the Policy attached hereto titled "Criteria – Noise By-law Relief Requests".

B. Background

The Town has recently received and processed a number of applications for relief to the Noise By-law. In reporting to Council, Staff has advised Council of previous practice as it relates to considering these requests. It is apparent that this practice needs to be formally documented as well as the actual process for requesting relief. In this regard, attached is a copy of a Policy Bulletin titled "Criteria – Noise By-law Relief Requests" for Council's consideration.

C. The Blue Mountains' Strategic Plan

"Providing a strong, well managed municipal government."

D. Environmental Impacts

N/A

E. Budget Impact

N/A

G. Attached

- A. Policy Bulletin – Criteria – Noise By-law Relief Requests

Prepared by,

Handwritten signature of Sharon Long in cursive script.

Sharon Long
Administrative Assistant, Building & By-law

Respectfully submitted,

Handwritten signature of David Finbow in cursive script.

David Finbow
Director, Building & By-law/CBO

TOWN OF THE BLUE MOUNTAINS

POLICY & PROCEDURES

Subject Title: **Criteria & Process - Noise By-law Relief Requests**

Corporate Policy: (Approved by Council) [] Date Approved:

Administrative Policy (Approved by CAO) [] By-Law No: N/A

Department Policy: (Approved by Mgr.) [X] Name of Dept: Building & By-law

Policy Statement

From time to time, requests for relief from the provisions of the Noise By-law are received and, in some instances, are supportable in that they promote charitable, educational, community or other objectives of the Town or, there is an overwhelming need due to weather and/or significant time constraints. This Policy has been developed to provide direction to stakeholders with respect to process as well as to provide guidelines to stakeholders as to the types of applications for relief that may potentially be considered favourably by the Town.

It is acknowledged that each applicant will consider their proposal to meet the guidelines contained in this policy however, Town Council will continue to have sole discretion as to determining if a request is in the best interests of the community.

Purpose

The purpose of this policy is to provide direction to stakeholders with respect to process as well as to provide guidelines to stakeholders as to the types of applications for relief that may potentially be considered favourably by the Town.

Application

This policy applies to all requests for relief to the Town's Noise By-law.

Definitions

N/A

Criteria & Procedures

Criteria

The following types of applications for relief from the Noise By-law will be considered by Council. In addition, Council may consider other requests at its sole discretion.

1. Events promoting charitable, educational or community objectives as determined by Council.
2. Events expected to promote the community provincially, nationally or internationally as determined by Council.
3. Events that promote the community's cultural, natural or artistic heritage as determined by Council.
4. Events financially supported by the Town.
5. Weddings, funerals, family gatherings and religious events.
6. Events associated with declared Statutory Holidays.
7. Public gatherings recognized by way of a permit or approval by the Town.
8. Temporary construction related requests in instances where it is demonstrated that the related noise will not be significantly detrimental to the use of a residential premise.

Procedures

1. Every request must be submitted a minimum of four weeks in advance of the event.
2. Every request must be in writing and be addressed to the Director, Building & By-law, and shall contain:
 - a. The name and address of the applicant;
 - b. The date and time of the event;
 - c. A description of the source of the sound in respect of the exemption being sought;
 - d. The reasons for which, in the applicant's opinion, that the exemption should be granted with same being aligned with the criteria outlined in this Policy;
 - e. The provisions contemplated to mitigate the impact of the noise on potentially affected residential premise; and,
 - f. The application fee (\$100.00).

3. The Administrative Assistant, Building & By-law, will prepare a letter for circulation to residents within 60 metres of the property for which relief is requested identifying the nature of the request and request comments on the requested relief by a specific date. Where possible, letters will be hand delivered.
4. The Administrative Assistant, Building & By-law, will prepare a Staff Report for Council's consideration outlining the request and enclosing any comments received from neighbouring property owners.
5. Following the posting of the Council Agenda, the Administrative Assistant, Building & By-law, will forward a copy of the Staff Report to the proponent.

Exclusions

None.

References and Related Policies

1. Noise By-law No. 2002-9 (Office Consolidation)

Consequences of Non-Compliance

N/A

Review Cycle

This policy will be reviewed as needed by the Director, Building & By-law/Chief Building Official.

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