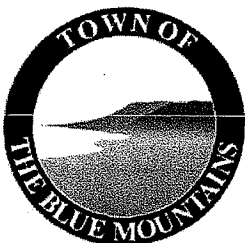


STAFF REPORT: BUILDING & BY-LAW DEPARTMENT



REPORT TO: Finance & Administration
Committee

MEETING DATE: August 19th, 2008

REPORT NO.: SRB.08.43

SUBJECT: County of Grey Noise By-law
Exemption

PREPARED BY: Sharon Long, Admin. Assistant

A. Recommendations

THAT this Council receive Staff Report SRB.08.43 and authorize the County of Grey to carry out construction on the Grier Creek Bridge from 6:00 a.m. to 8:00 p.m. – Monday to Friday.

B. Background

As Council is aware, The County of Grey is undertaking the re-construction of the Grier Creek Bridge located on the Blue Mountains-Euphrasia Townline.

Attached is a copy of the letter dated July 25th, 2008 received from Gary Shaw, Director Grey County Transportation & Public Safety Department requesting an exemption from the noise by-law so his construction crew can start as early as 6:00 a.m. and work as late as 8:00 p.m. Gary Shaw has confirmed that the Municipality of Grey Highlands has granted the County of Grey permission to start at 6:00 am weekdays.

Section 2. (c) states: 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:

- (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.

Section 3. d) states: That this By-law do not affect:

- d) Noises or sounds authorized by the municipality

C. Budget Impact (cc: Treasury if required)

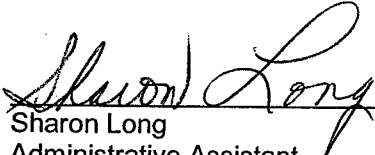
C. Budget Impact (cc. Treasury if required)

N/A

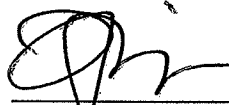
D. Attached (Relevant documentation not personal information about an identifiable person)

1. Copy of letter dated July 25, 2008 received from the County of Grey.
2. Copy of Noise By-law No. 2002-9, as amended.

Prepared by:


Sharon Long
Administrative Assistant

Respectfully submitted:


David Finbow
Director, Building & By-law



**CORPORATION OF THE COUNTY OF GREY
TRANSPORTATION AND PUBLIC SAFETY DEPARTMENT**

Gary Shaw, Director
595 9th Avenue East
Owen Sound ON N4K 3E3

(519) 376-7337
1-800-567-GREY
Fax: (519) 376-0967
gshaw@greycounty.on.ca

July 25, 2008

The Town of The Blue Mountains
Mr. David Finbow
26 Bridge Street, Box 310
Thornbury, ON N0H 2P0

Dear Mr. Finbow:

Re: Request for Exemption to Noise By-Law

The County of Grey Transportation and Public Safety Department requests an exemption to the start and end times of your noise by-law so that the construction crew can start as early as 6 a.m. and work as late as 8 p.m. on the Grier Creek Bridge project located on the Blue Mountains-Euphrasia Townline.

Since this project is located on the Townline, we are also making a similar request for an exemption to the Municipality of Grey Highland's noise by-law.

The exemption would be for the time periods between 6 a.m. and 7 a.m., and from 7 p.m. to 8 p.m. Monday to Friday for the remainder of the construction season.

We would appreciate your consideration in an exemption for this project.

Yours truly,

Gary Shaw – Director
Grey County Transportation and Public Safety Department

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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

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Ross Arthur, Mayor

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Stephen Keast, Clerk