A. Recommendations

THAT Council receive Staff Report FAF.20.024, entitled “Linton & Ivess Wedding – 135 & 136 Cameron Street – Noise By-law Relief Request”;

AND THAT Council grant relief from the provisions of the Noise By-law for a wedding on Saturday June 27th, 2020 at 135 & 136 Cameron Street from 12:00 p.m. to 12:00 a.m., with amplified speeches and a DJ playing music inside of a tent.

B. Overview

This report provides the details of a request for relief from the provisions of the Noise By-law for Council’s consideration.

C. Background

The Town is in receipt of a request for relief from the provisions of the Noise By-law (Attachment 1) for a wedding on Saturday June 27th, 2020 at 135 & 136 Cameron Street from 12:00 p.m. to 12:00 a.m., with amplified speeches and a DJ playing music inside of a tent. The wedding portion takes place at 135 Cameron Street and the reception in the tent takes place at 136 Cameron Street.

D. Analysis

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, notice to the residents within 120 metres was circulated. This is to confirm that no responses were received.
E. The Blue Mountains Strategic Plan

Goal #2: Engage Our Communities & Partners

F. Environmental Impacts

N/A

G. Financial Impact

N/A

H. In Consultation With

Residents within 120 metres of property.

I. Public Engagement

The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. Comments regarding this report should be submitted to Emily Beauchamp, bylawadmin@thebluemountains.ca.

J. Attached

1. Office Consolidation of the Noise By-law.
2. Copy of the application.
3. Map of event location and properties within 120 metres.

Respectfully submitted,

Wayne DeWitt
Supervisor, Enforcement Services

For more information, please contact:
Emily Beauchamp
bylawinfo@thebluemountains.ca
519-599-3131 extension 249
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
Application for a Noise By-law Exemption

This form is authorized under By-law 2002-09
Form BL574

For use by Principal Authority

Application number: PRNBR2020000056
Date received: JANUARY 9, 2020

Exemption number (if different):

Roll number: 15-041-00

Application submitted to:
TOWN OF THE BLUE MOUNTAINS
32 Mill Street  Box 310, Thornbury, ON
Tel: (519) 599-3131  Toll Free: 1-888-258-6867 ext. 249
Bylawservices@thebluemountains.ca  www.thebluemountains.ca

A. Event Location (Location of the event relief is being requested)

Building number/ street name: 136 CAMERON STREET
Postal code: N0H 3J0

B. Applicant

Applicant is: X Owner or
Authorized agent of owner
Last name: LINTON / DAY-LINTON
First name: MARILYNNE / WILLIAM
Corporation or partnership: N/A

Street address: same as above
Municipality: TOWN OF THE BLUE MOUNTAINS
Fax: ( ) N/A
Telephone number: ( )

Owner (if different from applicant)

Last name: LINTON / DAY-LINTON
First name: WILLIAM / MARILYNNE
Corporation or partnership: N/A

Street address: same as above
Municipality: TOWN OF THE BLUE MOUNTAINS
Fax: ( ) N/A
Telephone number: ( )

C. Event Type (Other events may be considered at the sole discretion of Council)

☐ Charitable Event  X Wedding / Family Gathering  ☐ Construction Related  ☐ Other

D. Event Details

Event Name (if applicable): WEDDING - LINTON / LINTON
Date of the Event: JUNE 27, 2020
Time of the Event: 12pm - 12am

E. Event Details

E. Event Details

Event Name (if applicable): WEDDING - LINTON / LINTON
Date of the Event: JUNE 27, 2020
Time of the Event: 12pm - 12am

F. Declaration of Applicant (Note: if owner is not the applicant the "Authorization to Act as Agent" form must accompany this application)

I, MARILYNNE DAY-LINTON / WILLIAM LINTON
(print name)

the information contained in this application; attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.

Date: Jan / 2020

Proposed provisions to mitigate impact of noise to affected residential premises:

- Speakers for DJ and speeches will be in the tent at 136 Cameron St. DJ will keep bass at reasonable level.
- Speeches and music will be from all over Ontario, Nova Scotia and the USA and will be supporting the community businesses while here for the weekend. We are thrilled they wanted to be a part of this.
- DJ will keep bass at reasonable level.
- Wedding is a celebration of two loves inside tent.
- DJ will keep bass at reasonable level.
- Speeches and music will be from all over Ontario, Nova Scotia and the USA and will be supporting the community businesses while here for the weekend. We are thrilled they wanted to be a part of this.

Reasons the noise by-law exemption should be support (in the applicant’s opinion):

The noise by-law exemption should be supported because the event is a celebration of two loves inside tent.
- DJ will keep bass at reasonable level.
- Speeches and music will be from all over Ontario, Nova Scotia and the USA and will be supporting the community businesses while here for the weekend. We are thrilled they wanted to be a part of this.

Declaration of Applicant (Note: if owner is not the applicant the "Authorization to Act as Agent" form must accompany this application)

I, MARILYNNE DAY-LINTON / WILLIAM LINTON
(print name)

the information contained in this application; attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.

Date: Jan / 2020
Map showing event property (solid) and surrounding properties within 120 metres that were sent notice of the Noise By-law relief request.