



Staff Report

Enforcement Services – By-law Division

Report To: Council
Meeting Date: September 6, 2017
Report Number: FAF.17.109
Subject: James Wilkinson, 787439 Grey Road 13 –
Noise By-law Exemption Request
Prepared by: Emily Beauchamp, Administrative Assistant, By-law Services

A. Recommendations

THAT Council receive Staff Report FAF.17.109 “James Wilkinson, 787439 Grey Road 13 – Noise By-law Exemption Request”; and

THAT Council provide direction to staff in response to a request for relief from the provisions of the Noise By-law for a wedding on September 23, 2017 at 787439 Grey Road 13, from 4:30 p.m. to 1:30 a.m. with a DJ playing music inside of a barn that is being used as the event venue.

B. Overview

James Wilkinson is requesting relief from the noise by-law to host a wedding on September 23, 2017 at 787439 Grey Road 13.

C. Background

The Town is in receipt of a request from the owner of the subject premises for relief from the provisions of the Noise By-law (Attachment 1) for a wedding on September 23, 2017 at 787439 Grey Road 13, from 4:30 p.m. to 1:30 a.m. with a DJ playing music inside of a barn that is being used as the event venue.

In order to mitigate noise impact on the neighbouring properties, the music volume will decrease after 11:00 p.m.

Section 3 e) of the Noise By-law 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.

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, the residents within 120 metres were circulated. This is to confirm that one response was received.

D. Analysis

N/A

E. The Blue Mountains Strategic Plan

“Engage our Community and Partners”

F. Environmental Impacts

N/A

G. Financial Impact

N/A

H. In consultation with

Residents within 120 metres of property.
Rob Collins, Director of Enforcement Services/Fire Chief.

I. Attached

1. Office Consolidation of the Noise By-law.
2. Copy of the application dated August 17, 2017.
3. Copy of email from Andrew Brown and Zydana Taylor-Brown.

Prepared By,

Emily Beauchamp
Administrative Assistant, By-law Services

Submitted By,

Rob Collins
Director of Enforcement Services/Fire Chief

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



For use by Principal Authority	
Application number: PRNBR2017-885	Exemption number (if different):
Date received: AUGUST 18, 2017	Roll number: 10-005-60

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 787439 Grey County Road 13	Unit number Lot/con.
Postal code N0H 1J0	Plan number/other description

B. Applicant	
Applicant is: <input type="checkbox"/> Owner or <input checked="" type="checkbox"/> Authorized agent of owner	
Last name McNeill	First name Tom
Street address [Redacted]	Unit number Lot/con.
Municipality [Redacted]	Postal code [Redacted] Province ON
Telephone number ([Redacted]) [Redacted]	Fax () [Redacted] Cell number ([Redacted]) [Redacted]

C. Owner (if different from applicant)	
Last name Wilkinson	First name James
Street address 787439 Grey County Road 13	Unit number Lot/con.
Municipality Clarksburg	Postal code N0H 1J0 Province ON
Telephone number ([Redacted]) [Redacted]	E-Mail [Redacted] Cell number () [Redacted]

D. Event Type (Other events may be considered at the sole discretion of Council)	
<input type="checkbox"/> Charitable Event	<input checked="" type="checkbox"/> Wedding/ Family Gathering
<input type="checkbox"/> Construction Related	<input type="checkbox"/> Other

E. Event Details	
Event Name (if applicable): Wedding of Lindsay Barrett & Tom McNeill	Date of the Event: 23/09/2017
	Time of the Event: 4:30pm-1:30am
Does the Event promote charitable, educational or community objectives?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the Event support the community provincially, nationally or internationally?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the Event financially supported by the Town?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Have there been any prior noise by-law infractions associated with this event?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description of the source of sound: Speeches, live band, DJ - all inside barn	
Proposed provisions to mitigate impact of noise to affected residential premises: Music commencing around 8:30pm will decrease in volume after 11:00pm	
Reasons the noise by-law exemption should be support (in the applicant's opinion) We are highly respectful people and are more than willing to work with all members of the community to ensure that this event is not disruptive, and held in good taste. The enjoyment of recreational time by all neighbours is something we are keeping front of mind.	

F. Declaration of Applicant (Note: if owner is not the applicant attach the "Authorization to Act as Agent" form)	
I, Tom McNeill _____ certify that:	
(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.	
17/08/2017	[Redacted Signature]
Date	Signature of applicant

Note:

- Every application for an exemption shall be submitted a **minimum of four (4) weeks** in advance of the proposed event.
- Every person who contravenes any provision of the Noise By-law NO. 2002-09, as amended is guilty of an offence and on conviction is liable to a penalty as provided in the *Provincial Offences Act*.

From: Zydana Taylor-Brown
To: [Bylaw Info](#)
Subject: Noise Bylaw Exemption Request PRNBR20170000885 #787439 Grey Rd 13
Date: August-27-17 12:28:12 PM

We request Council turn down Noise Bylaw Exemption

1. There have been several parties over the years at 788349 Grey Rd 13 , music / volume never decreased after 11:00 pm . Why the request for exemption this time?
2. There have been 2 loud and long parties already this summer , north of uswent on until 2 am ... What good are bylaws ?
3. People will do whatever they want , whenever they please regardless of bylaws and could care less how their choices affect neighbors . The party will happen regardless ; thus may or may not have a negative affect on surrounding property's.
4. Aircraft taking off and landing at 788439 Grey Rd 13 still fly directly over our home and property without regard for those living there ... do we receive an exemption from this thoughtlessness ?!

Thank you



Andrew Brown



Zydana Taylor-Brown

