



Staff Report

By-law Enforcement

Report To: COW_Finance_Admin_Fire_Community_Services
Meeting Date: July 8, 2024
Report Number: CSOPS.24.053
Title: Blue Mountain Village Association Noise By-law Relief Request
Prepared by: Emily Beauchamp, Administrative Assistant, By-law Services

A. Recommendations

THAT Council receive Staff Report CSOPS.24.053, entitled “Blue Mountain Village Association Noise By-law Relief Request”;

AND THAT Council authorize the request for relief from the provisions of the Noise By-law for the Deloitte Regional Parnter Meeting reception event on Friday, July 19, 2024 at the Blue Mountain Village main event plaza from 5:00 p.m. to 12:00a.m.

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 the Deloitte Regional Partner Meeting reception event on Friday, July 19, 2024, from 5:00 p.m. to 12:00 a.m. There will be a DJ/live entertainment on the Subaru Stage (main events plaza) at the Village at Blue Mountain.

D. Analysis

The Blue Mountain Village Association (BMVA) has submitted similar Noise By-law exemption requests in previous years and Council resolved to grant these requests. By-law Enforcement has not received any complaints about these events in previous years.

Section 3. g) of the Noise By-law states that the By-law does not affect “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.” This application for Noise By-law relief has been submitted to cover the additional hour requested (from 11:00 p.m. to 12:00 a.m.)

In accordance with the procedures set out in our Policy & Procedures for Noise By-law Relief Requests, notice to the residents within 120 metres of the Village at Blue Mountain was circulated on May 29, 2024. The deadline for residents to submit comments was June 20, 2024. No responses were received.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

F. Environmental Impacts

N/A

G. Financial Impacts

N/A

H. In Consultation With

Debbie Young, Interim Manager of By-law & Licensing
Residents within 120 metres of the event location

I. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Emily Beauchamp, Administrative Assistant, By-law Services bylawadmin@thebluemountains.ca

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J. Attached

1. Noise By-law 2002-9, Office Consolidation
2. Copy of the application from the Blue Mountain Village Association
3. Map showing the event location and properties within 120 metres

Respectfully submitted,

Report Approval Details

Document Title:	FAF.24.082 Blue Mountain Village Association Noise By-law Relief Request.docx
Attachments:	- Att. 1 2002-9-Noise-By-law-Office-Consolidation.pdf - Att. 2 Application.pdf - Att. 3 Map.pdf
Final Approval Date:	Jun 20, 2024

This report and all of its attachments were approved and signed as outlined below:

Debbie Young - Jun 20, 2024 - 2:24 PM

**No Signature - Task assigned to Ryan Gibbons was completed by workflow administrator
Debbie Young**

Ryan Gibbons - Jun 20, 2024 - 2:26 PM

Emily Beauchamp
Administrative Assistant, By-law Services

For more information, please contact:
Emily Beauchamp, Administrative Assistant, By-law Services
bylawadmin@thebluemountains.ca.
519-599-3131 extension 258

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

Town of The Blue Mountains
Enforcement Services Department
32 Mill Street, Box 310, Thornbury, ON N0H 2P0
519-599-3131 ext. 249

For use by Principal Authority

Application Number: PRNBR20240000301 Exemption Number: _____
Date Received: MAY 21, 2024 Roll Number: 20-000-90

Event Location (location of the event relief is being requested)

Address: BLUE MOUNTAIN VILLAGE, 156 Jozo Weider Blvd The Blue Mountains, ON L9Y 3Z2

Applicant Information

Applicant is (check one): Owner _____ or, Authorized Agent of Owner

Name: BLUE MOUNTAIN VILLAGE ASSOCIATION

Address: 796468 Grey Rd.19, Main Level - North Creek Gate House Blue Mountains, ON L9Y 0N6

Telephone Number: [REDACTED] Fax: _____ Cell Number: _____

Owner Information (if different from Applicant)

Name: _____

Address: _____

Telephone Number: _____ Fax: _____ Cell Number: _____

Event Type (other events may be considered at the sole discretion of Council)

(check one): Charitable Event ___ Wedding/Family Gathering: ___ Construction Related ___ Other

Event Details

Event Name (if applicable): DELOITTE REGIONAL PARTNER MEETING (CONFERENCE) - RECEPTION EVENT

Date of Event: July 19th, 2024

Time Range of Event: 5PM - 12AM

Check Yes or No to the Following:

Does the Event promote charitable, educational or community objectives?: Yes ___ No

Does the Event support the community provincially, nationally or internationally?: Yes No ___

Is the Event financially supported by the Town? Yes ___ No

Have there been any prior Noise By-law infractions associated with this Event?: Yes ___ No

Description of the source of sound: Live Entertainment/DJ - on the Subaru Stage (Main Events Plaza)

Proposed Provisions to mitigate the impact of noise to affected residential premises: _____

This is a private event - Security and Village Events Staff will be on-site for crowd control and sound system operation.

Reasons the Noise By-law Exemption should be supported (in the applicant's opinion): _____

The BMVA is requesting a one-hour extension to the current noise bylaw for a special event hosted by Deloitte at Blue Mountain Village.

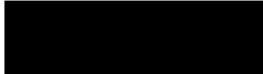
Deloitte is returning to host their regional partners along with their families and spouses. This significant event includes full buy-outs of the majority of Village restaurants and over 600 hotel rooms, ensuring that most of the village occupants during this time will be attendees of the reception party. The event will take place in the event plaza, which will be fenced off for crowd control. Our staff will be on hand to maintain fire routes and assist in directing traffic to ensure smooth access to surrounding retail establishments. This event is expected to support many local suppliers, thereby providing a boost to local businesses.

The current bylaw (By-law No. 2002-80) permits 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 and 23:00.

We kindly request an extension of one hour to allow the event to continue until 12:00 AM. Thank you for considering our request.

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

I Jennifer Murdison certify that: 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.



Signature of Applicant

Friday, May 17th, 2024

Date

Note:

1. Every application for an exemption shall be submitted a minimum of eight (8) weeks in advance of the proposed event.
2. 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.

Map of event location (marked X) and properties within 120 metres that received notice of the Noise By-law Relief Request

