



The Corporation of the Town of Tecumseh

Corporate Services & Clerk

To: Mayor and Members of Council

From: Laura Moy, Director Corporate Services & Clerk

Date to Council: July 27, 2021

Report Number: CS- 2021-22

Subject: Request for Noise By-Law Exemption – Tabouli by Eddys

Recommendations

It is recommended:

That an exemption from the Town's Noise By-law No. 2002-07, as amended, **be granted** for Saturdays during the months of July, August and September 2021 to permit musical entertainment from 9:30 pm to 11:00 pm at Tabouli by Eddys located at 1614 Lesperance Road, Unit F5-6, Tecumseh (event);

And that the exemption from the Town's Noise By-law 2002-07 **be conditional** on the event being held in accordance with all of the Ontario Roadmap to Reopening regulations;

And further that the Director Corporate Services & Clerk **be authorized** to grant exemptions to the Noise By-law no later than 11:00 pm;

And furthermore that the OPP **be informed** of exemptions from the Noise-By-Law and the applicants also notify area residents;

And furthermore over that the OPP be requested **to monitor** events for concerns and/or complaints respecting the emissions of sound, resulting from musical entertainment.

Background

By-way of email dated July 18, 2021, a request was received for an exemption from the Town's Emission of Sounds [By-law No. 2002-07](#), as amended (Noise By-law) from Tabouli by Eddys (Tabouli) located at 1614 Lesperance Road, Unit F5-6, Tecumseh. The exemption has been requested to permit outdoor musical entertainment for Saturday evenings during the months of July, August and September (2021) from 9:30 pm to 12:00 am.

Comments

The Noise By-law (Table 4-1, Part 4) prohibits the emission of sound resulting from:

“The sound from or created by any radio, phonograph, tape player, television, public address system, sound equipment, loud speaker, or any musical or sound producing instrument of whatever kind when the same is played or operated in such a manner or with such volume as to disturb the peace, quiet, comfort or repose of any individual in any office, dwelling house, apartment, hotel, hospital, or any other type of residence,” at all times in all residential, agricultural and commercial areas.”

Paragraph 6 of the Noise By-law allows for persons to make application to Council for an exemption from the by-law with respect to any source of sound, or vibration, for which they may be prosecuted. Council may, by resolution, grant the exemption, together with any additional terms or conditions deemed appropriate.

In accordance with Paragraph 6, the applicant is seeking a temporary exemption from Council to permit outdoor musical entertainment being played at Taboulis. The exemption requested is from 9:30 pm to 12:00 am for every Saturday during the months of July, August and September, 2021.

The request follows recent complaints from at least two area residents to the OPP with respect to the noise emanating from musical entertainment on the patios of the restaurants in the Towne Plaza located at 1614 Lesperance Road.

It is recommended that an exemption to the Noise By-law be granted to permit outdoor musical entertainment at Tabouli by Eddys until 11:00 pm consistent with exemptions granted by Council in response to other requests, and the posted hours of service on the Tabouli website for Saturdays.

As other local restaurants may wish to seek an exemption from the Noise By-law to permit entertainment on their patios, and to facilitate responding to any such requests, it is recommended that the Director Corporate Services & Clerk, or designate, be authorized to grant exemptions from the Noise By-law no later than 11:00 pm.

Area residents should be informed by the applicants about the exemption from the Noise By-Law. The OPP will be notified of the exemptions by Administration.

The exemption is recommended on the condition that the event be carried out in accordance with the Province’s [Roadmap to Reopening](#).

Complaints or concerns from area residents regarding this Noise By-law exemption will be monitored by the OPP, in particular any concerns which may be raised **after** 11:00 pm. Tickets may be issued by the OPP under the Noise By-law for events outside of the approved hours of exemption.

Consultations

Tecumseh OPP

Financial Implications

There are no financial implications to this report.

Link to Strategic Priorities

| Applicable | 2019-22 Strategic Priorities |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers. |
| <input type="checkbox"/> | Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making. |
| <input type="checkbox"/> | Integrate the principles of health and wellness into all of Tecumseh's plans and priorities. |
| <input type="checkbox"/> | Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses. |
| <input type="checkbox"/> | Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals. |

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

| Attachment Number | Attachment Name |
|--------------------------|------------------------|
| None | None |