



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Mayor and Members of Council

From: Robert Auger, Director Legislative Services & Clerk

Date to Council: September 12, 2023

Report Number: LCS-2023-27

Subject: Request for Noise By-Law Exemption – Tabouli by Eddy’s

Recommendations

It is recommended:

That Report LCS-2023-27 entitled “Request for Noise By-Law Exemption – Tabouli by Eddy’s”, **be received**;

And that Council **authorize** Administration to grant Tabouli by Eddy’s, located at 1614 Lesperance Road, an exemption from the Emission of Sounds By-Law 2002-07, as amended (the “Noise By-Law”), on Saturday, September 23, 2023, between the hours of 9:00 p.m. and 11:30 pm to permit music entertainment;

And further that the area residents **be informed** by Tabouli by Eddy’s of this exemption from the Noise By-Law, and Administration communicate the exemption to the OPP;

And furthermore that concerns and/or complaints respecting the emission of sound, resulting from the entertainment, are to **be monitored**.

Background

Tabouli by Eddy’s (“Tabouli”) has requested an exemption from the Town’s Noise By-Law. The exemption has been requested to permit outdoor music entertainment for its

patio from Saturday, September 23, 2023, at 9:00 p.m. to Sunday, September 24, 2023, at 1:00 a.m.

Comments

The Noise By-Law prohibits the emission of sound resulting from:

“The sound from or created by any radio, phonograph, tape player, television, public address system, sound equipment, loudspeaker, or any musical or sound production instrument of whatever kind when the same is played or operated in such a manner or which 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 (Table 4-1, Part 4).

Paragraph 6 of the Noise By-Law allows for persons to make application to Council for an exemption from the By-Law's provisions 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.

Council has granted authorization to the Director Legislative Services & Clerk to grant exemptions to the Noise By-Law no later than 11:30 p.m. only. The owner's request is for an exemption extending to 1:00 a.m., which is outside the delegated authority and therefore is being brought before Council for decision.

The Town has consulted with the OPP on this request, and it is recommended that an exemption to the Noise By-Law be granted to Tabouli to permit outdoor music entertainment on Saturday, September 23, 2023, until 11:30 p.m. and that the area residents be informed by Tabouli of this exemption from the Noise By-Law.

In prior years, requests from Tabouli and other businesses for music entertainment until 11:30 p.m. on Saturdays have been approved.

The Noise By-Law is enforced by the OPP. If complaints or concerns from the area residents regarding this Noise By-Law exemption are received by the Town, the Clerk will monitor and consult with the OPP regarding concerns which may be raised after the exempted time.

Consultations

OPP

Financial Implications

There are no financial implications.

Link to Strategic Priorities

Applicable	2023-2026 Strategic Priorities
<input type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input checked="" type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

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:

Kit Andreoff
Administrative Assistant to Director Legislative Services & Clerk

Reviewed by:

Robert Auger, LL.B.
Director Legislative Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None