



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: June 25, 2019

Report Number: CS-2019-16

Subject: Request for Noise By-Law Exemption - St. Charbel Parish

Recommendations

It is recommended:

That St. Charbel Parish - Windsor (St. Charbel) **be granted** an exemption from the Town's Noise By-law No. 2002-07, as amended, for Friday, July 19, 2019 and Saturday, July 20, 2019 until 11:30 pm and Sunday, July 21, 2019 until 11:00 pm, to permit musical entertainment for their Parish Festival at the church grounds located at 5700 Outer Drive;

And that St. Charbel inform area residents of this exemption from the Noise By-law, and the Tecumseh OPP Detachment **be notified** by Administration of the exemption;

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

Background

By way of correspondence dated June 5, 2019, St. Charbel has requested an exemption from the Town's Emission of Sounds By-law No. 2002-07, as amended (Noise By-law) for their Parish Festival at the church grounds located at 5700 Outer Drive. The exemption has been requested to permit outdoor musical entertainment from Friday, July 19, 2019, through to Sunday, July 21, 2019. [Appendix 1](#).

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, 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. (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 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.

St. Charbel is seeking an exemption from Council to permit musical entertainment during the Parish Festival being planned at the church grounds located at 5700 Outer Drive. The exemption requested is until 2:00 am on Friday, July 19, 2019 and Saturday, July 20, 2019 and until 12:00 am on Sunday, July 21, 2019.

In previous years, Council has granted an exemption to St. Charbel until 11:30 pm on the Friday and Saturday, and until 11:00 pm on the Sunday for the Festival. The OPP has received complaints from an area resident resulting from the outdoor music.

Council has approved requests from other private businesses (i.e. Beach Grove Golf and Country Club) for an exemption to permit music entertainment until 11:30 pm on weekends. Granting St. Charbel an exemption until 11:30 pm on the Friday and Saturday, and until 11:00 pm on the Sunday would be consistent with previous Noise By-law exemption approvals.

The Site Plan for the weekend festivities, prepared by St. Charbel, and approved by the Alcohol and Gaming Commission of Ontario (AGCO) Inspector, shows the music entertainment will face Highway No. 3 (Talbot Road) to help minimize the noise impact on area residents. [Attachment 2](#).

It is recommended that an exemption to the Noise By-law be granted to St. Charbel, to permit musical entertainment at 5700 Outer Drive until 11:30 pm on Friday, July 19 and Saturday, July 20, and until 11:00 pm on Sunday, July 21, 2019. Area residents should also be informed by St. Charbel about the exemption from the Noise By-Law. The OPP will be notified of the exemption by Administration.

Complaints or concerns from area residents regarding this Noise By-law exemption will be monitored and, in particular, any concerns which may be raised **after** 11:30 pm.

Consultations

Tecumseh OPP
Planning & Building Services
Fire & Rescue Services

Financial Implications

There are no financial implications.

Link to Strategic Priorities

Applicable	2017-18 Strategic Priorities
<input 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 the Town of 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 the Town of Tecumseh's plans and priorities.
<input checked="" 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:

Sue White
Administrative Assistant to Director Corporate
Services & Clerk

Reviewed 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
1	Letter of Request from St. Charbel Parish - Windsor dated June 5, 2019
2	Site Plan for Festival