



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 9, 2019

Report Number: CS-2019-17

Subject: Request for Noise By-Law Exemption
Windsor-Essex Care for Kids Foundation

Recommendations

It is recommended:

That the Windsor-Essex Care for Kids Foundation (W.E. Care for Kids) **be granted** an exemption from the Town's Noise By-law No. 2002-07, as amended, on Friday, August 16, 2019, to permit musical entertainment from 7:30 pm until 11:30 pm for their Black Tie Tailgate Fundraising event at Beach Grove Golf and Country Club, located at 14134 Riverside Drive;

And that the area residents and OPP **be informed** of this exemption from the Noise By-law;

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

Background

The Windsor-Essex Care for Kids Foundation (W.E. Care for Kids) has requested an exemption from the Town's Emission of Sounds By-law No. 2002-07, as amended (Noise By-law) for their Black Tie Tailgate Fundraising event at Beach Grove Golf and Country Club (Beach Grove). The exemption has been requested to permit outdoor musical entertainment overlooking the water on Friday, August 16, 2019 from 7:30 pm to 12:30 am. **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'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.

W.E. Care for Kids is seeking an exemption from Council to permit musical entertainment during the Black Tie Tailgate Fundraising special event being planned at Beach Grove Club in its outside area overlooking Lake St. Clair. The exemption requested is until 12:30 am.

Council has approved requests for summer musical entertainment by Beach Grove and W.E. Care for Kids in prior years and granted exemptions to permit music entertainment until 11:30 pm. Granting an exemption to W.E. Care for Kids until 11:30 pm would be consistent with previous Noise By-law exemption approvals.

The OPP has received complaints from area residents **after 11:30 pm**, resulting from outdoor music events held at Beach Grove in prior years.

It is recommended that an exemption to the Noise By-law be granted to W.E. Care for Kids on August 16, 2019, to permit musical entertainment until 11:30 pm at Beach Grove Golf and Country Club, consistent with other events at Beach Grove that have been granted an exemption. It is also recommended that the area residents be informed by W.E. Care for Kids of this exemption from the Noise By-law.

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

Consultations

Tecumseh OPP

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 from W.E. Care for Kids
2	Invitation to Black Tie Tailgate Fundraising Event