

THE MUNICIPALITY OF LAMBTON SHORES

Report CL 16-2024

Council Meeting Date: July 16, 2024

TO: Mayor Cook and Members of Council
FROM: Stephanie Troyer-Boyd, Director of Corporate Services
RE: Noise Exemption Requests – Western Ontario Steam Threshers and Forest Agricultural Society

RECOMMENDATION:

THAT Report CL 16-2022 regarding two requests for a noise exemption to the Lambton Shores Noise By-Law 30-2002 be received; and

THAT an exemption to the Noise By-Law 30-2002 for the Western Ontario Steam Threshers be approved for August 9 and August 10, 2024 until 1:00 am; and

THAT an exemption to the Noise By-Law 30-2002 for the Forest Agricultural Society be approved for September 20 and September 21, 2024 until 12:00 midnight.

SUMMARY

This report provides information on two different Noise By-Law Exemption requests that have been received. One from the Western Ontario Steam Threshers and the other from the Forest Agricultural Society.

BACKGROUND

The Municipality has received two applications, one for the Western Ontario Steam Threshers and the other from Forest Agricultural Society requesting an exemption to the Noise By-Law 30-2002 for their annual events. The Western Steam Threshers will be held August 9, 10 and 11, 2024 and are requesting an exemption from the noise by-law up to 1:00 a.m. on August 9th and 10th. The Forest Agricultural Society will hold their event September 20th, 21st and 22nd and are requesting an exemption up to 12:00 midnight on September 20th and 21st.

The two requests for exemptions are from Section 1 of the Noise By-Law stating

“Likely to Disturb – Unusual – Prohibited

No person shall cause or permit to be caused an unusual noises, or noises likely to disturb the inhabitants.”

The Western Ontario Steam Threshers' request for a noise by-law exemption is because of the noise emitting from tractors, steam engines, trucks, steam whistles, campers and live music.

The Forest Agricultural Society's request for a noise by-law exemption is because of music from the midway and live bands, noise contributed to the demolition derby, fireworks displays and the annual parade.

Section 3.7 of the Noise By-Law 30-2002 outlines a process for an exemption to the requirements of the Noise By-Law.

3.7 Request for Exemption:

Property owners within Lambton Shores may apply for two exemptions per calendar year for special events, providing the sound will not create an undue disturbance for adjacent or neighbouring properties. Exemptions would be available until 12:00 a.m.

Application to Council

- (a) Council may, by resolution, upon receipt of a written application, grant an exemption to the provision of Sections 1 of this by-law to any person, with respect to any source of sound or vibration for which that person might be prosecuted for such period of time and subject to such terms and conditions as Council deems advisable and Council may refuse to grant any exemption or may grant an exemption of lesser effect than applied for and any exemption granted shall specify the time period during which it is effective.*

Details of Application for Exemption

- (b) An application mentioned in subsection (a) shall be made in writing and shall contain:
 - (i) The name and address of the applicant;*
 - (ii) A description of the source of sound or vibration in respect of which exemption is sought;*
 - (iii) A statement of the particular provision or provisions of the by-law from which exemption is sought;*
 - (iv) The period of time, of a duration not in excess of six months, for which the exemption is sought;*
 - (v) The reasons why the exemption should be granted;*
 - (vi) A statement of the steps, if any, planned or presently being taken to bring about compliance with the by-law, and;*
 - (vii) Proof of publication within the preceding ten days, in a newspaper of general circulation within the Municipality, of a notice of intention to apply for an exemption to this by-law, containing the information required by clause (i) through (v), and further stating the date upon which it is intended that application will be made to Council.**
- (c) A copy of the application for exemption shall be delivered to the Clerk who shall prepare a report to council, which report shall contain the Clerk's*

opinion on the merits of the application and recommendations as to terms and conditions, if any.

Decision

(d) In deciding whether to grant the exemption, Council shall consider the application, the report of the Clerk and any written submission received by Council and shall give the applicant and any person in support of or opposed to the application an opportunity to be heard and may consider such other matters as it sees fit.

Policy AD-CL-POL-014 provides the procedure by which an application for exemption is to be processed. (attached) The applicants have complied with the procedure and requirements of the Noise By-Law with the exception that the notice to the public required was completed through different methods of social media.

The requests are for approval of an exemption to the Noise By-law but Council should be aware that the notice requirements have not been met exactly as per the policy and both requests involve noise disturbances for both time and distance. The different noises will be heard more than 50 feet from the fairgrounds where both events will be taking place until midnight and 1:00 a.m. where by-law limits noise to within 50 feet from the buildings until 11:00 pm.

Unfortunately for both events noise is unavoidable. The By-Law Enforcement Manager has reviewed both applications and does not have any issues with an exemption as these are community events.

ALTERNATIVES TO CONSIDER

Council may refuse to grant these exemptions or may grant exemptions with conditions such as specific time frames for any noise.

RECOMMENDED ACTIONS

Staff recommends approval of the applications.

FINANCIAL IMPACT

The appropriate fees have been received from the applicants.

CONSULTATION

Jim Watson, Municipal By-law Enforcement Manager