



8 September 2011

**City Council
Committee Report**

To: Mayor & Council

Fr: Joanne L. McMillin, City Clerk

Re: Request for Noise By-law Exemption – Rideout Community Club

Recommendation:

That Council hereby grants a temporary exemption to Section 10 of Noise By-law Number 27-2007 to Brad Maluorno on behalf of the Rideout Community Club for the sole purpose of permitting local bands to conduct band practices at the Community Club during the following times on a one (1) month trial basis between September 19 and October 19, 2011:-

Wednesday evenings between 4:00 p.m. and 9:00 p.m.
Friday evenings between 4:00 p.m. and 9:00 p.m.; and

That Council hereby waives the exemption fee for this purpose; and

That Council hereby authorizes the City Clerk to immediately revoke this exemption should there be an increase in the number of complaints from multiple neighbouring residents during this period; and further

That at the conclusion of the temporary noise exemption period, the City Clerk is hereby authorized to continue approving monthly noise exemptions in accordance with this approval or to advise the Community Club that this activity must cease and desist, based on feedback during the trial period.

Background:

A noise exemption request was submitted to my office as a result of the police attending the Rideout Community Club on a number of occasions in response to one neighbourhood complaint regarding noise from the Club due to weekly band practices, to which the Noise By-law gives authority to the Clerk to approve such exemptions, and with conditions. I would prefer however for Council to make a decision on this request even though there has not been any neighbourhood protest to the 'music/noise' from these band practices.

The Community Club volunteers who facilitate and participate in these practices are cognizant of the Noise By-law and they have take some measures to address limiting the sound, i.e. closing windows and doors; wall baffles to cushion the sound; and turning off amplifiers by 10:00 p.m. It should be noted the City's By-law Department has not received any formal complaints but the Community Services Department has received a complaint from the same resident and as I understand it no other residents in the immediate vicinity have complained (however as of this date I have not heard back from the O.P.P. for verification.)

Under Section 10 of the Noise By-law the "amplification of sound" is prohibited at all times, and the exemption would apply to this section as set out in the recommendation. While there is a fee of \$25 per exemption request I am recommending the fee be waived as the cost would be excessive on a month to month basis. You will note the original exemption request has been amended based on my conversation with Mr. Maluorno this date who has no issue with the removal of Sundays and reduction in time from 10:00 p.m. to 9:00 p.m.

Budget: N/A

Communication Plan/Notice By-law Requirements: No Notice requirements. The O.P.P. and Community Services Department will be advised of exemption if approved.