

## Staff Report 2019-71

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Meeting Date: Tuesday, May 21, 2019

Subject: Noise Exemption for Cheers Caledon and Designation as Municipally Significant Event

Submitted By: Heather Savage, Manager, Recreation, Community Services  
Amanda Fusco, Manager, Legislative Services/Deputy Clerk, Corporate Services

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### RECOMMENDATION

That the following events be designated as a municipality significant event for the purposes of obtaining a Special Occasion Permit (SOP) from the Alcohol and Gaming Commission of Ontario (AGCO):

- a) Cheers Caledon
- b) Caledon Day

That the Cheers Caledon event (June 14, 2019), be exempted from Section 15 of Table 3-1 of Noise By-law 86-110 to permit loud music between the hours of 11:00 p.m. and 12:00 a.m. subject to the conditions outlined in Schedule B of Staff Report 2019-71; and

That the exemption expire at 12:00 a.m. June 15, 2019; and

That the \$625.00 noise by-law exemption fee be waived.

### REPORT HIGHLIGHTS

- The Alcohol and Gaming Commission of Ontario (AGCO) can only issue a Special Occasion Permit for an event where liquor is being sold to:
  - a registered charity, non-profit organization or association organized to promote charitable, educational, religious or community objects; or
  - an event of provincial, national or international significance; or
  - an event designated by municipal council as an event of municipal significance
- To designate Cheers Caledon and Caledon Day as municipality significant events for the purposes of obtaining a Special Occasion Permit from the Alcohol and Gaming Commission of Ontario (AGCO).
- To request an exemption for the Cheers Caledon event from the Town's Noise By-law to permit disc jockey music to play from the stage for one hour outside of the permitted hours as set out in the Bylaw.
- The purpose of the request is for event patrons to have enough time to exit the site safely and in accordance with Alcohol and Gaming Commission of Ontario's (AGCO) 'Special Occasions Permit' rules.
- The fee for the exemption to the noise by-law is \$625.00 excluding HST per the Town's 2019 Fees by-law. This fee helps to recover the cost of administrative time to prepare the exemption report and administer the

process. As project owners, Recreation staff have assisted with the administration of this task by writing the Council report and recommend waiving the fee since this is a Town run event.

### **DISCUSSION**

The purpose of this report is to obtain Council's consent to designate Cheers Caledon and Caledon Day events, to be held on June 14, 2019 and June 15, 2019 respectively at the Caledon Civic Campus, Caledon East, as a municipally significant event for the purposes of obtaining a Special Occasion Permit from the Alcohol and Gaming Commission of Ontario (AGCO) and request that the Cheers Caledon event (June 14, 2019) be exempted from the Town's Noise By-law.

In the past the caterer obtained for the events was responsible for obtaining the SOP from the AGCO under their catering license. This has posed problematic as the event is hosted by the Town, and as the responsible party, any liabilities assumed from the SOP should be borne by the Town. In March 2019 Council approved Staff Report 2019-31, Special Occasion Permits for Town Community Events, directing staff to apply for an SOP through the AGCO for events implemented by the Town that involve alcohol. The Mayor and Clerk are authorized to sign the Special Occasions Permit application for Town events.

The Town is applying for an SOP as it intends to sell alcoholic beverages at the events. The municipality is not eligible to obtain a Special Occasion Permit for the event without a resolution of Council designating it as municipally significant.

In addition, staff requests an exemption to the Town's Noise By-Law to permit disc jockeyed music to play from the stage at the Cheers Caledon event on June 14, 2019.

### **Project Details**

Celebrate Caledon is a two-day community event implemented by staff and volunteers.

Staff is requesting an exemption from the Noise By-law for Cheers Caledon, the Friday night event only. For the past two years Cheers Caledon ended at the same time drink sales ended. The AGCO has informed the Town that 'last call' should be scheduled 45 minutes prior to closing of the event.

In 2019 staff proposes to extend the event by one hour ending at midnight, for a total event time of six hours. Liquor sales will end at 11:15 p.m. encouraging event patrons to finish previously purchased food and beverage and exit the site by 12:00 a.m.

Celebrate Caledon continues on Saturday June 15 to host Velocity: Ride for Seniors from 8:00 a.m. to 2:00 p.m. and Caledon Day from 2:00 p.m. to 11:00 p.m. Drink sales will end at 10:15 p.m., closing the event at 11:00 p.m. There are no proposed time changes to Saturdays' events.

### **Exemption Details**

The Town's Noise By-law does not contain an exemption process except for emergency situations. Therefore anyone seeking to perform activities related to noise outside of the permitted times requires approval from Council.

Staff is requesting approval to continue to play music at the Cheers Caledon event until midnight; one hour outside of the permitted hours of the Town's Noise By-law.

### **Potential Impact**

In reviewing the location, staff has determined that approximately 50 properties may be impacted by the noise (attached as Schedule A to this report provides further details).

### **Conditions of Approval**

Staff is recommending the exemption request be approved subject to the following conditions intended to mitigate potential impacts to area property owners:

1. A sign posted at the event site, 5 days in advance outlining contact information for questions regarding the disturbance.

### **FINANCIAL IMPLICATIONS**

There are no financial implications that would result from designating the event as municipally significant.

Staff request that the \$625.00 noise by-law exemption fee be waived for the reasons stated above. There are no immediate financial implications associated with this staff report, since this fee would be charged internally within the Town resulting in revenue for Regulatory Services and an expense for Recreation Services.

### **COUNCIL WORK PLAN**

#### **Connected Community**

- Actively promote tourism offerings including culture and village main street assets.
- Seek opportunities to connect Caledon villages to help bridge the rural/urban divide.
- Promote community enrichment through support of local groups, enhanced partnerships and events.
- Increased quality of life through shared experiences

### Good Governance

- Manage reasonable community expectations.

### ATTACHMENTS

Schedule A: Notification Letter to the Alcohol and Gaming Commission of Ontario (AGCO) from Heather Savage, Manager, Recreation Services re: Celebrate Caledon – June 14/15, 2019 Notice of Special Occasions' Permit

Schedule B: Map of the event site, stage location and a portion of the properties directly impacted by the Noise By-law exemption request