

Request for Decision City Council



Type of Decision

Meeting Date	Thursday, September 15, 2005				Report Date	Thursday, September 8, 2005			
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title

**SPECIAL OCCASION PERMIT AND NOISE BY-LAW EXEMPTION
90TH BIRTHDAY - THE IRISH REGIMENT OF CANADA**

Policy Implication + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.

Policy Implications:

The request for noise exemption is in accordance with Chapter 776 of the former City of Sudbury Municipal Code.

Budget Implications:

There is no financial impact associated with this Request for Decision.

Background Attached


Recommendation

THAT this Council has no objection to the issuance of a liquor licence extension and no objection to the granting of an exemption to Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law) to The Irish Regiment of Canada for their 90th Birthday celebration at 333 Riverside Drive, Sudbury. The request is made to facilitate the "Freedom of the City" ceremony, and an Oktoberfest and dance. The days and hours of operation will be: October 14-16, 2005 between the hours of 8:00 a.m. to 1:00 a.m. with an anticipated attendance of approximately 3,000 people during the course of the weekend;


AND FURTHER THAT there will be live music or entertainment throughout the evening;

☒ Recommendation Continued

Recommended by the Department Head


Caroline Hallsworth,
Executive Director of Administrative Services

Recommended by the C.A.O.


Mark Mieto,
Chief Administrative Officer

Date: September 8, 2005

Report Prepared By



Corrie-Jo Caporale
Council Secretary

Division Review

Recommendation (continued):

AND FURTHER THAT this Council confirms the nature of this event as a Community Festival and that it is of municipal significance to our Community;

AND FURTHER THAT this approval be subject to the conditions as attached in Schedule 'A'.

Background:

Attached is a letter and an application dated August 26, 2005 submitted by Col. John R. Goudreau on behalf of The Irish Regiment of Canada requesting Council's approval for a special occasion permit and exemption from Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law) to celebrate their 90th birthday and to facilitate the "Freedom of the City" ceremony, and an Oktoberfest and dance at 333 Riverside Drive, Sudbury. The proceeds will be used for the welfare of their soldiers and support to the Cadet Corp. in the Sudbury area. There will be live entertainment for the participants and spectators during the course of the event which will be heard between the hours of 5:00 p.m. to 1:00 a.m.

The nature of this event has been recognized as a Community Festival and will add a municipal significance to our Community.

In accordance with Council's policy, this letter was circulated to the Fire Chief, Police Chief, Director of Leisure, Community & Volunteer Services, the City Solicitor, the Chief of Emergency Medical Services, the Director of Transit Services and the Manager of Transportation Engineering Services. Their concerns, if any, have been added to the conditions for approval.

The foregoing resolution has therefore been placed on the Agenda for your consideration.

Attach:

1. Schedule 'A'
2. Letter dated August 26, 2005 - Irish Regiment (Sudbury) Association c/o The Irish Regiment of Canada
3. Application for Approval of Outdoor Fund Raisers and Community Festivals
4. Interoffice memo dated August 26, 2005

SCHEDULE 'A'

CONDITIONS:

1. That the special event organizer shall ensure the provision of adequate clean-up of the site and those properties adjacent to the event area no later than 12:00 o'clock noon on Monday, October 17, 2005;
2. That the event representative ensure emergency vehicles have access to the event area;
3. That all Ontario Fire Code regulations must be adhered to, in particular, with respect to Section 2.8 that indicates a Fire Safety Plan is required for this event;
4. That no bonfires of any kind, barbecues or similar types of cooking devises shall be operated on the site without the consent of the Fire Chief, and that an approved fire extinguisher be provided for each of the foregoing;
5. That no outside entertainment system be permitted, however, if outdoor amplified sound equipment is in use, all speakers and speaker stacks shall be positioned to tilt downward into the crowd versus projecting straight over the crowd or adjoining properties;
6. That the special event organizer, or his designate, must be present on the site during the entire duration of the event.
7. That any tent be erected in accordance with the provisions of the Ontario Building Code.
8. The event organizer shall notify the neighbours and provide the City Clerk with a copy of said notification.



**Irish Regiment (Sudbury) Association
c/o The Irish Regiment of Canada
The Armoury, 333 Riverside Drive
Sudbury, Ontario, Canada, P3E 1H5**

August 26, 2005

City of Greater Sudbury
200 Brady Street
Sudbury, ON

ATTENTION: Roger Leblanc
Municipal Law Enforcement Officer

Dear Sir:

The Irish Regiment of Canada will be celebrating its 90th Birthday on the weekend of October 14, 15 and 16, 2005.

This proud Regiment has distinguished itself and received Battle Honours in twenty three major battles during the First and Second World Wars. During the Second World War, the Regiment reported 200 Soldiers killed and 473 Soldiers wounded in the many battles and day to day action.

Today, over 100 of our Soldiers have served overseas in Peace Keeping missions. In recent years our Soldiers have been serving in War Zones in Afghanistan and Bosnia. Several years ago one Soldier, previously with the Irish Regiment, lost his life in Bosnia.

We are putting on this Community Event to recognize the past and present Soldiers of the Regiment. All of our present Soldiers are from Sudbury. In essence, the Irish Regiment represents all Sudburians. It is their Army Reserve Unit.

All of our Events are open to the Public and will take place at the Sudbury Armoury. On Saturday, October 15th, the Battalion, Veterans, and past members of the Regiment will march through the city streets to Civic Square for the "Freedom of the City" ceremony.

As we are a charitable organization, all our proceeds will be used for the welfare of our Soldiers and support to the Cadet Corps in the Sudbury area.

Sincerely,

COL (Ret'd) John R Goudreau, CStJ, CD
Honoury Colonel

JRG:sb

NAME OF APPLICANT: COLONEL (RET'D) JOHN GONDREAU HONOURARY COLONEL

NAME OF GROUP: IRISH REGIMENT OF CANADA

ADDRESS: 333 RIVERSIDE DRIVE TELEPHONE: 705 669 2327
SUDBURY ONT

PROPOSED EVENT (Describe all activities to be held): "FREEDOM OF THE CITY" CEREMONY, OKTOBERFEST AND DANCE, VISIT TO THE REGIMENTAL MUSEUM, FISH FRY, AND THE OPPORTUNITY TO MEET WITH FRIENDS, PAST AND PRESENT

ANTICIPATED ATTENDANCE: 1. 3000 LOCATION: 1. CIVIL SQUARE & DOWNTOWN
2. 800 2. SUDBURY AIRPORT
DATE: 1. 14 OCT HOURS OF OPERATION: 1. 1700 HRS (5:00 PM - 11:00 PM) 2. 300 HRS
2. 15 OCT 2. 0800 HRS (8:00 AM - 1:00 PM) 0.101 HRS
3. 16 OCT 3. 0800 HRS (8:00 AM - 3:00 PM) 1500 HRS

OWNER/OCCUPANT OF LOCATION: DEPARTMENT OF NATIONAL DEFENCE


ADDRESS: 333 RIVERSIDE DRIVE TELEPHONE: 705 669 2327
SUDBURY ONT.

SECURITY PROPOSED (State whether police, private security or other and numbers): IRISH REGIMENT SOLDIERS - 15 TOTAL - AT LEAST 5 ON DUTY AT ALL TIMES

PROPOSED ACCESS TO LOCATION & PROPOSED PARKING AREA (Attach sketch if necessary):
DRIVE WAY OFF RIVERSIDE DR. - PARKING AS PER SKETCH.

HAS THIS EVENT BEEN HELD BEFORE? (If yes, provide details): EVERY YEAR, BUT ON A SMALLER SCALE. LAST LARGE ONE WAS FOR OUR 75th BIRTHDAY. (SIMILAR) UNFORTUNATELY MOST VETERANS HUNT BE AROUND IN THE 100th. THAT'S WHY THIS IS SPECIAL AND BIG.

HAS THIS GROUP SPONSORED ANY PREVIOUS OUTDOOR FUND RAISERS OR COMMUNITY FESTIVALS? (If yes, provide details): JUST THE BIRTHDAY CELEBRATIONS.



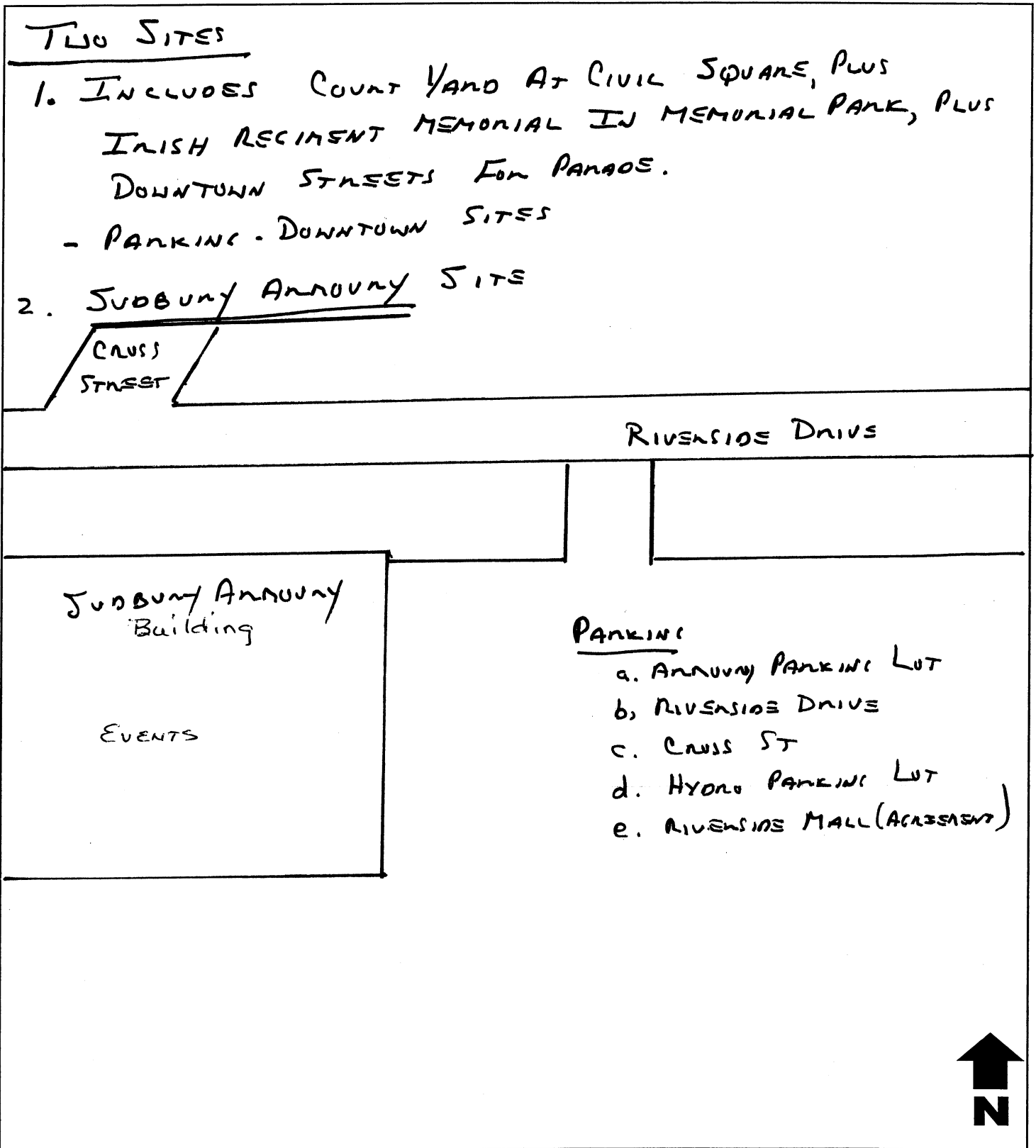
SIGNATURE OF APPLICANT

I/We certify the above information to be correct and undertake to advise the City of Greater Sudbury By-law Enforcement Officer immediately upon any change in the above information.

FREEDOM OF INFORMATION

Personal information on this form is collected under the authority of the Municipal Act, 2001 and Liquor License Act and is used to process Application for Approval of Outdoor Fund Raisers and Community Festivals. For further information please contact the City Clerk, Tom Davies Square, 200 Brady Street, PO Box 5000, Stn A, Sudbury, Ontario, P3A 5P3, 705-671-2489, extension 2471.

SITE PLAN (including location of parking facilities):



INTEROFFICE MEMO

August 26, 2005

TO: R. Swiddle, City Solicitor
D. Donaldson, Fire Chief
J. Nicholls, Chief of Emergency Medical Services
R. Carré, Director of Leisure, Community & Volunteer Services
N. Mihechic, Manager of Transportation Engineering Services
R. Sauve, Director of Transit Services
A. Lekun, Executive Officer to the Chief of Police

FROM: R. Leblanc, M.L.E.O.

**RE: SPECIAL OCCASION PERMIT
IRISH REGIMENT OF CANADA - 90TH BIRTHDAY CELEBRATION**

Please find enclosed an application for a Special Occasion Permit for the Irish Regiment of Canada.

The request is made to facilitate their 90th Birthday Celebration which will be held on October 14-16, 2005. The hours of operation will be from 8:00 a.m. to 1:00 a.m. with an anticipated attendance of approximately 3000 people for the entire event.

Please forward your comments to me so that they may be presented to Council.

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	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open		Closed

Report Title

**EXTENSION - NOISE BY-LAW EXEMPTION - AECON-ALARIE JOINT VENTURE
FOUR LANE HIGHWAY 69 SOUTH**

Policy Implication + Budget Impact

This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.

Policy Implication:

Aecon-Alarie Joint Venture has requested an exemption to Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law).

Budget Impact:

There is no financial impact associated with this Request for Decision.

☒ Background Attached

Recommendation

WHEREAS Council by Resolution 2005-336 granted Aecon-Alarie Joint Venture an exemption to Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law) to the end of August, 2005;

AND WHEREAS Aecon-Alarie Joint Venture has requested an extension of the exemption to Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law) for the construction on Highway 69 South, east of Gladu Road, Sudbury (Ministry of Transportation's Contract 2004-5004 - Highway 69 South Four Lane) for the period starting immediately to October 31, 2005 for a twenty-four hour, seven day a week crushing operation;

☒ Recommendation Continued

Recommended by the Department Head


Caroline Hallsworth
Executive Director of Administrative Services

Recommended by the C.A.O.


Mark Mieto
Chief Administrative Officer

Date: Thursday, September 8, 2005

Report Prepared ByCorrie-Jo Caporale
Council Secretary**Division Review****RECOMMENDATION (continued):**

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury has no objection to the granting an extension of the exemption to Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law), to Aecon-Alarie Joint Venture subject to the conditions set out in Council Resolution 2005-336 remaining in effect.

BACKGROUND:

A letter dated August 22, 2005 was received from Mr. Ben Paille, Project Coordinator, Aecon-Alarie Joint Venture, requesting an extension to the noise by-law exemption for construction of the MTO project (Contract 2004-5004) located on Highway 69 South just east of Gladu Road, Sudbury. The extension is for the crushing operation, which will run seven days a week, twenty-four hours per day until the end of October, 2005.

At the Council meeting of July 14, 2005, resolution 2005-336 was passed by Council granting an exemption to the Noise By-law until the end of August, 2005:

“THAT this Council has no objection to the granting of an exemption to Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law) to Aecon-Alarie Joint Venture for the construction on Highway 69 South, east of Gladu Road, Sudbury (Ministry of Transportation’s Contract 2004-5004 - Highway 69 South Four Lane);

AND THAT exemption be granted for the period starting immediately to August 31, 2005 for a twenty-four hour, seven day a week crushing operation;

AND THAT approval of this exemption be subject to Aecon-Alarie Joint Venture providing notification to the area property owners of this construction activity with a copy to be provided to the City Clerk’s Office for distribution.”

Mr. Paille advised that 110,000 tonnes of granular must be produced in order to continue the construction of the new “Four Lane Highway 69” and that a steady crushing operation is necessary in order to keep up with the progress of the construction.

He also stated, in his letter, that “in accordance with Special Provision No. 199F33M (construction for Contract 2004-5004), our crushing operations are not within the noise sensitive area limits of 500m from homes, businesses and cottages. This Special Provision does not specify any constraints against crushing”.

Date: Thursday, September 8, 2005

BACKGROUND (continued):

A check of the By-law Office was conducted to determine if any noise complaints had been received. Mr. Bryan Gutjahr, Manager of By-law Enforcement Services, indicated that they have received one complaint regarding the noise from this activity.

Mr. Greg Clausen, City Engineer, had no concerns other than the neighbours be advised and that a foreman's name and contact number be provided.

Attach:

1. Letter dated August 22, 2005 - Aecon-Alarie Joint Venture

AECON AECON-ALARIE Joint Venture

August 22, 2005
The Greater City of Sudbury
Sudbury, ON P3E 5K3

Attn: Angie Hache

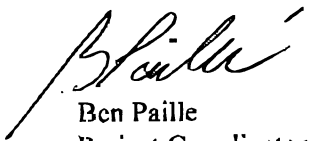
**Re: MTO Contract 2004-5004
Hwy 69 from 7km north of Hwy 537, northerly 2.4km
Exception to noise by-law for crushing**

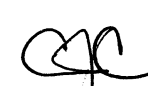
Aecon-Alarie Joint Venture (AAJV) is requesting an extension to the exception to the noise by-law for construction of the MTO project located on Highway 69 South just East of Gladu Road. The noise by law was originally granted until August 31, 2005. The reason for the extension is due to the crushing crew leaving the site on July 30, 2005, therefore not crushing until the predicted date of August 31st. Crushing is forecast to begin September 12th until the end of October. AAJV would like to re-iterate that the exception to the noise by-law is for our 24 hours per day, 7 days a week crushing operation. From September 12th to October 31st, 110,000 tonnes of granular must be produced in order to continue the construction of the new "Four Lane Highway 69". Our steady crushing operation is necessary in order to keep up with the progress of the job.

In accordance with Special Provision No. 199F33M (Construction Noise Constraints) for Contract No. 2004-5004, our crushing operations are not within the noise sensitive area limits of 500m from homes, businesses and cottages. This Special Provision does not specify any constraints against crushing. Please refer to attachment for a copy of this Special Provision.

Your cooperation is greatly appreciated. Please advise me if you have any questions or concerns.

Yours truly,
AECON-ALARIE Joint Venture


Ben Paille
Project Coordinator
Tel: 705-522-0922
Fax: 705-522-0925

- spoke to Ben Paille Aug 23/05 @ 9:30 a.m. + in order
discussed Sept 16/05 being an alternative ^{starting} date to
receive Council approval on Sept 15/05. He agreed w/
changing date from 12th to 16th. 

Exemption and Permit Identification	Exemption and Permit Details and Conditions
DFO Fisheries Authorisation	Fisheries, Resources, Culverts 1,4,5,6,7

The exemptions and permits provided above do not relieve the Contractor of other obligations imposed by statute or by municipal bylaw.

CONSTRUCTION NOISE CONSTRAINTS

Special Provision No. 199F33M

December 1990

Noise Sensitive Areas

This special provision covers the requirements for control of construction noise produced by the Contractor's operations. With the exception of any exemptions from municipal noise control bylaws that may be indicated elsewhere in the Contract, these requirements do not relieve the Contractor of other obligations imposed by statute or by municipal bylaw.

Noise constraints in noise sensitive areas are as follows:

Noise Sensitive Area Limits	
Within the contract limit and within 500 m of homes, businesses and cottages, and at all MTO and crown sources listed on the aggregate sources list.	
Constraint	Constraint Details
Equipment Maintenance	Equipment shall be maintained in an operating condition that prevents unnecessary noise, including but not limited to non-defective muffler systems, properly secured components, and the lubrication of moving parts.
Equipment Operation	Idling of equipment shall be restricted to the minimum necessary to perform the specified work.
Equipment Type	Hydraulic drills with dust collectors
Hours of Operation	Drilling, blasting and pile driving operations are restricted to the hours of 07:00-19:00
Aggregate Activities at MTO Permitted Sites	Hours of operation are as identified on the aggregate permit site plan.