

Committee of the Whole (2) Report

DATE: Tuesday, December 10, 2024

WARD(S): ALL

TITLE: EXEMPTION FROM PROVISIONS OF THE NOISE CONTROL
BY-LAW FOR GOLF COURSES AND SKI FACILITIES

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

Council approval is sought to exempt approved golf courses and ski facilities from provisions of the City of Vaughan's Noise Control by-law to ensure that the businesses can carry out necessary maintenance activities without being in contravention of the City's by-law provisions.

Report Highlights

- A complaint to the City regarding turf maintenance activities at a golf course, prior to 7:00 a.m., prompted a review of Noise Control By-law provisions.
- Through the review that included a jurisdictional scan, staff determined that an exemption from the Noise Control-By-law to allow for turf maintenance activities to commence at 5:00 a.m. is necessary for golf courses in Vaughan to carry out the permitted use of the property and to operate in accordance with industry standards.
- Staff are further recommending that the similar activity of snowmaking, and accompanying snow grooming, be exempted from the provisions of the Noise Control By-law as it is a necessary activity to carry out the permitted use of a ski facility.
- The recommended exemptions would only apply to businesses which are permitted to carry out such activities in accordance with the City's Comprehensive Zoning By-law 001-2021, as amended.

Recommendations

1. That Noise Control By-law 121-2021, as amended, be further amended to allow turf maintenance activities on properties zoned to permit golf courses where a golf course is actively operating to commence at 5:00 a.m. and to conclude at 7:00 p.m., Eastern Standard Time, any day of the week, including statutory holidays;
2. That the Noise Control By-law 121-2021, as amended, be further amended to allow for snowmaking and snow grooming activities on properties zoned to permit ski facilities where a ski facility is actively operating to occur at any time;
3. That the amendments to the Noise Control By-law 121-2021, as amended, be approved by Council substantially in accordance with Attachment 1, subject to any further direction from the Committee of the Whole and Council, and in a form satisfactory to Legal Services; and
4. That a by-law be brought forth to the next practicable Council meeting.

Background

Section 6.0 of the City of Vaughan's Noise Control By-law prohibits noise that is likely to disturb the inhabitants of the City in a Residential Area at any time. Enforcement action resulting in fines and other penalties can be commenced against any person deemed to be causing or permitting the disruptive noise.

In the spring of 2023, a complaint was received by By-law and Compliance, Licensing and Permit Services (BCLPS) regarding noise created by grass cutting and turf maintenance activities at Uplands Golf and Ski Club prior to 7:00 am. The subsequent investigation verified that an offence under section 6.0 of the by-law had occurred and resulted in a penalty notice being issued. Subsequently, representatives of the business contacted BCLPS management staff to engage in a conversation regarding how the provisions of the by-law limit the ability of golf courses to undertake necessary turf maintenance in accordance with industry standards. This issue compelled a review of the by-law as it pertains to activities required to carry out the permitted uses of the property. Due to parallel circumstances, staff also undertook a review of provisions as they relate to snowmaking and snow grooming activities at ski facilities, as it is also an activity that by nature is required to be completed at times that are often contrary to the provisions of the Noise Control By-law but are required to operate the business.

Previous Reports/Authority

[Noise Control By-law 121-2021](#)

[Comprehensive Zoning By-law 001-2021](#)

Analysis and Options

Jurisdictional Scan

Staff completed a jurisdictional scan of neighbouring and comparator municipalities and found that some municipal noise control by-laws contain provisions to exempt activities necessary to maintain golf courses and ski facilities, as summarized below. In the case of municipalities where there are no exemptions in place, it may be that there have not been enough complaints to prompt a review or to enact an exemption; however, further consideration would be given to the matter if necessary.

| Municipality | Exemption for Golf Courses? | Exemption for Snow Making /Grooming? | Notes |
|----------------------------|------------------------------------|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Town of The Blue Mountains | No | Yes | <ul style="list-style-type: none"> • Snow making exempt from noise by-law at all times |
| East Gwillimbury | Yes | No | <ul style="list-style-type: none"> • Golf courses exempted at all times • Snow making prohibited at all times |
| Mississauga | Yes | No | <ul style="list-style-type: none"> • Golf courses exempted at all times. • No reference to snow making/grooming |
| Toronto | Yes | No | <ul style="list-style-type: none"> • Golf courses exempted at all times • No reference to snow making/grooming |
| Richmond Hill | No | No | <ul style="list-style-type: none"> • No reference in by-law |
| Markham | No | No | <ul style="list-style-type: none"> • No reference in by-law |
| Brampton | No | No | <ul style="list-style-type: none"> • No reference in by-law |

Turf Maintenance

In the case of Uplands Golf Course, the situation which prompted this review, Uplands has been commencing turf maintenance activities (i.e., grass cutting, trimming, blowing, and removal) 15 minutes before dawn during the golf season to ensure the course is ready for the first tee time, which aligns with industry standards. The time of dawn changes on a daily basis, ranging from approximately 4:50 a.m. to 7:22 a.m. during the peak golf season of May – October. Although staff are eager to support the industry, a measured approach must be taken to ensure a reasonable quality of life for residents

whose homes abut golf courses. Therefore, staff are recommending that golf courses be permitted to commence turf maintenance activities at 5:00 a.m., daily, including statutory holidays. To align with by-law provisions restricting times for similar activities, turf maintenance must conclude by 7:00 p.m.

Snowmaking and Snow Grooming Activities

To date, BCLPS has not received any complaints regarding snowmaking or grooming activities.

Snowmaking is a highly technical process that must be carried out in ideal temperature and weather conditions to ensure quality production. As it is a very expensive process, and one upon which successful business operation is based, it is critical that snowmaking operations occur on an as-needed basis during peak conditions, which can be at any time of day. Snow grooming activities work in tandem with snowmaking to create and maintain the runs. Accordingly, staff are recommending that snowmaking and snow grooming activities be exempted from the provisions of the Noise Control By-law at all times.

Industry Impacts

If the recommendations in this report are not adopted by Council, businesses which are required to carry out snowmaking, snow grooming, and turf maintenance activities shall be liable to fines, penalties and escalating enforcement action, which may become burdensome and prohibitive to operations, ultimately impacting the availability of these activities to residents and visitors in Vaughan.

Financial Impact

There is no financial impact anticipated as a result of the recommendations of this report.

Operational Impact

Legal Services was consulted in the preparation of this report.

Broader Regional Impacts/Considerations

By approving the recommendations in this report, Council will be ensuring that Vaughan golf courses and ski facilities can continue to be competitive with others in the region, by offering comparable hours of operation.

Conclusion

To date, one noise complaint specific to turf maintenance activities has been received by BCLPS and no complaints regarding snowmaking or snow grooming activities have been received. Because the necessary activities to carry out the permitted use are prohibited by the current Noise Control By-law, the golf courses and ski facilities are liable for additional fines and penalties if the exemption sought by this report is not granted.

If the by-law amendment is passed, staff will send communications to all impacted businesses requesting that they voluntarily make all reasonable efforts to carry out turf maintenance and snowmaking activities in areas close to dwelling units during the 7 a.m. to 7 p.m. window as often as possible, to lessen disruption to residents.

Staff recommendations are in line with the Term of Council priority for Economic Prosperity and Job Creation, and its objective to empower the local business community to grow in Vaughan.

For more information, please contact: Susan Kelly, Director and Chief Licensing Officer, By-law & Compliance, Licensing & Permit Services, ext. 8952

Attachments

1. Draft Amendments to the Noise Control By-law 121-2021

Prepared by

Alexandra Scarr, Policy Implementation Specialist, extension 8448.