

Authority: Item 5, Planning Committee
Report 17-007 (PED16155(a))
CM: April 26, 2017
Ward: City Wide

Bill No. 068

CITY OF HAMILTON

BY-LAW NO. 17-068

To Amend By-law No. 11-285, a By-law to Control Noise

WHEREAS Council enacted a by-law to control noise being City of Hamilton By-law No. 11-285;

AND WHEREAS this By-law provides for the amendment of City of Hamilton By-law No. 11-285 with respect to exemption permits;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Subsection 6(1) of By-law No. 11-285 is amended by adding the following new sentence after the existing provision:

While all applications will be considered, an exemption permit is intended to permit, with appropriate conditions imposed, noise from a short term event on private property, noise from construction or noise from entertainment on a commercial outdoor patio.

2. Section 6 of By-law No. 11-285 is amended by adding the following new subsection after subsection 6(3):

(3A) Without limiting the Director's authority to prescribe the form and content of an application for an exemption permit as set out in section 7(b), an application for an exemption permit for entertainment on a commercial outdoor patio shall include:

- (a) a Certificate of Compliance with respect to the sound level at the property line completed by a certified acoustical consultant or engineer;
- (b) a Site Plan showing:
 - (i) the surrounding residential areas, properties and dwelling units;
 - (ii) a premises plan (detailed floor plan);
 - (iii) the position/direction of the noise source;

- (iv) the position/distance of hospitals, schools, seniors care facilities/residences, places of public worship; and
 - (c) certification that a placard has been posted in a location where members of the public can easily read it from the outside of the premises for 30 days or more as required by the Director. The placard will include:
 - (i) date and times to be set out in the permit;
 - (ii) form of music and sound equipment to be used;
 - (iii) sound level limits - *maximum (Leq) 60 dBA measured at property line;*
 - (iv) where and how to file a comment; and
 - (v) contact information.
- 3. Subsection 6(4) of By-law No. 11-285 is amended by adding the following new sentence after the existing provision:

An application for an exemption permit for noise from an activity that is prohibited under a zoning by-law will be refused. For example, an application for noise from entertainment on a commercial outdoor patio where entertainment is prohibited under a zoning by-law will be refused.
- 4. Section 6 of By-law No. 11-285 is amended by adding the following new subsection after subsection 6(6):
 - (6A) The conditions that the Director shall impose on an exemption permit for entertainment on a commercial outdoor patio are that:
 - (a) the noise have a maximum equivalent sound level (Leq) of 60 dBA measured at the property line;
 - (b) the noise be made only on Thursdays, Fridays and Saturdays from 11 am to 11 pm;
 - (c) the sound equipment, if any:

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- (i) be only the sound equipment approved under the exemption permit;
- (ii) be placed and used in accordance with the Floor Plan and Certificate of Compliance approved under the exemption permit;
- (d) the operator of the food premises where the commercial outdoor patio is located otherwise comply with applicable City by-laws and other law.

5. This By-law comes into force on the day it is passed.

PASSED this 26th day of April, 2017.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk