In May of 2017, Hamilton City Council approved a pilot project to allow entertainment on outdoor commercial patios in designated areas of the city. It is anticipated that this endeavour will support local businesses in attracting both local and out-of-town patrons to their venue.

During this pilot project, staff will be monitoring, gathering and analyzing data in order to thoroughly evaluate the results of this initiative.

In some circumstances, interested businesses within the test area may wish to apply for a Noise Exemption Permit for an outdoor commercial patio to allow this type of activity, while helping to ensure compliance with Hamilton’s Noise Control By-law. A copy of the by-law can be found here:


The information below outlines the general requirements for an application for a Noise Exemption Permit for an outdoor commercial patio. Before starting the application process, please review this information and the Outdoor Commercial Patio Noise Exemption application form that follows.

ALL NOISE EXEMPTION PERMITS FOR OUTDOOR COMMERCIAL PATIO APPLICATIONS MUST INCLUDE:

1. Application Form
2. Fee
3. One survey (floor) plan or sketch plan
4. Corporations must include a current Corporate Profile report
5. Authorization from owner if applicant is not the owner
6. Certificate of Compliance (Acoustic Consultant/Engineer)

NOTE: The application cannot be processed until it is considered complete. An application is considered complete when all of the above have been provided.

APPLICATION FEE: $500.00 Please make cheque payable to the "City of Hamilton".

Please Note: The application fee is non-refundable whether the application is approved or denied. Prior to submitting an application, it is strongly recommended that you consult with an acoustical consultant/engineer in order to determine the feasibility of your proposal.

SIGNAGE REQUIREMENTS

1. A sign is required to be posted near the front entrance on the subject lands so that it is visible to the public when viewed from the exterior of the property.
2. A cardboard sign may be used by the applicant provided it is protected from the elements.
3. Once the application is processed, a copy of the approved wording will be forwarded to the applicant/consultant to be placed on the sign.
4. The sign must be a minimum of 24”x 36”; white background with black lettering (minimum font size 48)
which will indicate:

- days and times for the application
- type of music/entertainment and sound equipment being used
- sound level limits – *maximum (Leq) 60 dBA at the property line*
- where and how to file any comment (details provided by the City)
- contact information of the applicant

Further details will be provided by the City to the applicant as the application is processed.

5. The sign must remain on the property until the public comment period of 30 days has passed and the final decision about the application is made.

**DETAILED INFORMATION REQUIRED FOR APPLICATIONS**

In addition to the application form, the following additional details are required:

1. **ENTERTAINMENT INFORMATION**

   The application must indicate complete details of:

   1. Type of entertainment i.e. music (live or recorded), theatrical, media (television programs).
   2. Type of noise, i.e. acoustic, amplified equipment, no audio (visual, headphones only).
   3. Type of equipment: acoustic (instruments being used); amplified (type, make, model, volts/wattage)

2. **SKETCH MAP**

   If a survey plan of the subject property is not available, then a sketch plan may be submitted. The sketch plan must be a minimum of 8.5” x 11”, maximum of 11” x 17” and include the following:

   1. True dimensions of the outdoor patio for which the application is being made.
   2. Location of all existing buildings, structures or uses on the subject property.
   3. Location and name of the street.
   4. Setback measurements from the lot lines of the outdoor patio on the subject property to the building on neighbouring lots.
   5. Scale drawing utilizing good drafting techniques and including any amplified equipment being used and the direction of speakers.
   6. The distance (if applicable) to any residence, school, church, hospital, senior residence/facility within 100m radius of the subject outdoor patio.
   7. A scale and north arrow should be shown on the sketch.

The Director reserves the right to reject sketches for insufficient or poorly presented information and/or require additional information or detail to the drawing.
3. CERTIFICATE OF COMPLIANCE

A report is required from a qualified noise consultant or engineer commenting on the details of your application and equipment, including the maximum volume setting of the amplified equipment considered in the application. This report also needs to certify that the noise level limit does not exceed the (Leq) level of 60 dBA measured at the property line of the subject property.
OUTDOOR COMMERCIAL PATIO NOISE EXEMPTION APPLICATION
Noise By-law 11-285

THIS FORM MUST BE COMPLETED BY THE INDIVIDUAL(S) RESPONSIBLE FOR THE EVENT

Additional information may be required in order to process an application. Failure to submit any required information or complete department requirements will delay the processing of an application and may result in permit refusal.

The application fee of $500.00 is non-refundable if permit refused.

Public comment will be invited regarding all applications

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<tr>
<th>INFORMATION</th>
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<tbody>
<tr>
<td>Business name on City of Hamilton business license</td>
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<tr>
<td>Business Owner name</td>
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<td>Business Owner phone number</td>
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<tr>
<td>Description of Operating Business (i.e.: night club, restaurant, tavern)</td>
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<td>Street Address of Business</td>
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<td>City:</td>
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<td>Postal Code</td>
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<td>Business E-Mail</td>
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<td>Name of person supervising the patio</td>
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<td>Phone number of person supervising the patio</td>
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<td>2:</td>
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<tr>
<td>After Hours Business Contact Name</td>
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<tr>
<td>2:</td>
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<tr>
<td>Phone Number</td>
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<tr>
<td>Description of proposed entertainment (i.e.: live music, recorded sound, film, dance)</td>
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<tr>
<td>Detailed description of sound equipment to be used</td>
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FOR OFFICE USE ONLY

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<thead>
<tr>
<th>FOLDER NUMBER</th>
<th>MAP NUMBER</th>
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<tr>
<td>ZONING</td>
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REQUIRED DOCUMENTS – a clear copy of each must be submitted with this application

- Site plan* (see details below)

- Ontario Corporate Profile Report for Business

- Alcohol and Gaming Commission of Ontario liquor license for business including patio

- Certificate of Compliance from a certified acoustical consultant or engineer

*SITE PLANS MUST INDICATE OR INCLUDE:

- Surrounding residential areas, properties and dwelling units

- Floor plan for premises

- Position/direction of proposed noise source

- Position and distance of hospitals, schools, care facilities, seniors’ residence, places of worship within 100m radius

Declaration of applicant:

I declare that:

1. The information contained in this application, attached plans and specifications, and other attached documentation is true to the best of my knowledge.

2. If the business is owned by a corporation or partnership, I have the authority to bind the corporation or partnership in this application.

3. As the applicant for this permit, I acknowledge that, should a permit be issued, I am fully and personally responsible for ensuring compliance with all the conditions of that permit

Date: ________________________   Signature of applicant: ________________________________

- Cheque enclosed for $525.00 payable to the City of Hamilton, or

- Payment using debit, Visa or MasterCard accepted in person only – at our office located at 77 James St. N., Suite 250 , Hamilton