

TOWN OF AMHERSTBURG POLICY REQUEST FOR NOISE EXEMPTION

1.0 PURPOSE

Town of Amherstburg Noise By-law 2001-43 is a By-law respecting the emission of sounds. The By-law sets out those noises that are prohibited and also prohibitions based on time and place. Section 5 of the By-law provides an opportunity for persons to make application to Council to be granted an exemption from any of the provisions of the By-law with respect to any source of sound or vibration for which that person might be prosecuted under the By-law. The purpose of this policy is to provide direction with respect to the application for exemption process.

2.0 SCOPE

This policy shall govern the action of individuals requesting a noise By-law exemption under the Noise By-law and in staff processing that request."

3.0 POLICY STATEMENT

Council may by resolution, grant an exemption to provisions of the By-law for a specified period of time, not to exceed 6 months, subject to such terms and conditions as deemed advisable.

4.0 RESPONSIBILITY

The Manager, Council & Legislative Services/Clerk is responsible for ensuring this policy is applied objectively, promptly and consistently.

5.0 POLICY

5.1 Application Process

Those wishing to see exemption to the Town's Noise By-law shall follow the following procedure:

- a) Every request must be submitted a minimum of four (4) weeks in advance of the event.
- b) Every request must be in writing on the form provided and as attached hereto. The application shall contain the following information:
 - The name and address of the applicant.
 - The date and time and location of the event.

- A description of the source of the sound in respect of the exemption being sought.
 - The reasons for which, in the applicant's opinion, that the exemption should be granted.
 - The provisions contemplated to mitigate the impact of the noise on potentially affected residential premises.
 - Sketch, if applicable.
- c) Every application must include an application fee in the amount of \$50.00.
- d) Once the Clerk's Department is in receipt of the application, the application will be verified that it has been completed properly. If not, the application shall be returned to the applicant for corrections.
- e) Once the application is verified complete, the Clerk will prepare a letter for circulation to residents within 60 metres of the property for which relief is being sought identifying the nature of the request and providing opportunity for comments /concerns or questions by a specific date.
- f) If the event would affect a large number of residents or community at large, an ad will be placed in local paper for one week advising of the application and providing residents an opportunity to submit comments /concerns or questions by a specific date.
- g) A copy of the application shall be provided to the Municipal By-law Enforcement Officer who will provide any details of any complaint history or corrective measures taken to date.
- h) The Clerk will prepare an Administrative Report for Council's consideration outlining the request and enclosing any comments that were received by the specific date provided from neighbouring property owners or residents should it be advertised in paper.
- i) Following the posting of the Council agenda, the applicant will be forwarded a copy of the Administrative Report.
- j) The applicant and any person opposed to the application will be provided an opportunity to speak in accordance with Council's Procedural Bylaw.
- k) In deciding whether to grant the exemption, Council will review the application, the report, and any written submissions and consider any other matters Council deems fit.
- l) Council may include any terms and conditions as deemed advisable.
- m) Where an exemption is granted, any breach of the terms or conditions renders the exemption null and void.