

Authority: Item 6, Economic Development
and Planning Committee
Report 10-012 (PED10115)
CM: June 9, 2010

Bill No. 171

CITY OF HAMILTON

BY-LAW NO. 10-171

A By-Law amending By-law No. 03-020 to regulate Noise

WHEREAS the Council of the City of Hamilton wishes to amend By-law No. 03-020 to regulate noise;

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

1. Subsection 1(3) of By-law No. 03-020 is amended by adding the following new paragraph before paragraph (i):
 - (i.2) Director means the City's Director of Municipal Law Enforcement and his or her designate or successor;
2. Subsection 12(3) of By-law No. 03-020 is deleted and the subsequent subsection renumbered accordingly.
3. Section 15 of By-law No. 03-020 is deleted and replaced by the following new section 15:
 - 15(1) Any person may apply for an exemption from this By-law or any provision of it.
 - (2) An application for an exemption shall be made on the form prescribed by the Director at least 60 days in advance and shall be accompanied by the applicable fee as set out in the City's User Fees and Charges By-law.
 - (3) Despite subsection (2), an application for an exemption may be made less than 60 days in advance if it is accompanied by the applicable late fee as set in City's User Fees and Charges By-law.
 - (4) Upon receipt of a completed application for an exemption, the Director may:

- (a) issue the exemption subject to such conditions as he or she may determine; or
 - (b) refuse the exemption.
- (5) In considering an application for an exemption, the Director shall have regard to:
- (a) any negative effects the issuance of the exemption may have on neighbouring properties or on the City;
 - (b) any benefits the issuance of the exemption may have on neighbouring properties or on the City;
 - (c) any previous violations of this By-law or an exemption by the applicant; and
 - (d) anything the Director considers relevant.
- (6) The conditions that the Director may impose on an exemption include but are not limited to:
- (a) the type and volume of the sound that may be made;
 - (b) the times during which sound may be made;
 - (c) the period of time during which the exemption is in effect;
 - (d) that a qualified individual or qualified individuals, as determined by the Director, monitor the sound and file a report with Director at the applicant's expense.
- (7) An applicant for an exemption may appeal the decision of the Director within 10 days of the decision being made to the Economic Development and Planning Committee.
- (8) An appeal shall be made on the form prescribed by the Director.
- (9) Upon receipt of a completed appeal, the Director shall notify the applicant once an appeal date before the Economic Development and Planning Committee has been set and if the applicant does not attend on the appeal date, the

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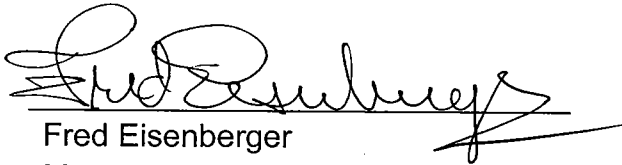
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Committee may proceed in their absence and the applicant shall not be entitled to further notice in the proceeding.

- (10) Council may uphold or vary the recommendation or recommendations of the Economic Development and Planning Committee or do any act or make any decision it might have done had it conducted the appeal itself and the applicant shall not be entitled to a further hearing of the appeal before Council. The decision of Council shall be final.
- (11) An exemption issued under this section expires upon a breach of any of its conditions.

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

PASSED this 8th day of July, 2010.



Fred Eisenberger
Mayor



Rose Catrini
City Clerk