


POLICY

	Policy:	REQUEST FOR NOISE EXEMPTION POLICY		
	Department:	Office of the CAO		
	Division:	Licensing and Enforcement	By-Law No.:	2001-43
	Administered By:	Manager of Licensing and Enforcement	Approval Date:	Dec. 11, 2023
	Replaces:	Noise Bylaw Exemption Policy – February 2013		
	Attachment(s):	Appendix A – Application for a Noise By-Law Exemption to the Town of Amherstburg By-Law 2001-43		

1. POLICY STATEMENT

The Corporation of the Town of Amherstburg is committed to ensuring that the application of the provisions of the Noise By-law, By-law 2001-43, which regulates the emission of sounds within our community, is performed in a fair, consistent, and responsive way. Recognizing that there may be valid grounds for requesting exemptions, the Town is equally committed to establishing a transparent and efficient process to address such requests.

2. PURPOSE

2.1. This policy provides direction with regards to addressing requests for exemption from the provisions of the Noise By-law.

3. SCOPE

3.1. This policy applies to all requests for an exemption under the provisions of the Noise By-law.

3.2. This policy shall be reviewed every five (5) years from the date it becomes effective, and/or sooner at the discretion of the CAO or designate.

4. DEFINITIONS

4.1. **Noise** means unwanted sound.

Common definitions, acronyms, and terms are available in the Glossary located on the Town's Policies webpage.

5. INTERPRETATIONS

Any reference in this policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a by-law or Town policy shall be deemed to be a reference to the most recent passed policy or by-law and any replacements thereto.

6. GENERAL CONDITIONS

By-law 2001-43 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.

6.1. Application Process

- 6.1.1. Every request must be submitted a minimum of four (4) weeks in advance of the event.
- 6.1.2. Requests shall be submitted in writing using the provided application form (Appendix A). The application shall contain the following information:
 - 6.1.2.1. The name and address of the applicant;
 - 6.1.2.2. The date and time and location of the event;
 - 6.1.2.3. A description of the source of the sound in respect of the exemption being sought;
 - 6.1.2.4. The reasons for which, in the applicant's opinion, that the exemption should be granted;
 - 6.1.2.5. The provisions contemplated to mitigate the impact of the noise on potentially affected residential premises; and
 - 6.1.2.6. Sketch, if applicable.
- 6.1.3. An application fee in accordance with the Town's User Fee By-law must be included with every application.
- 6.1.4. After receiving the application, the Licensing and Enforcement Division will verify its completeness. If any deficiencies are identified, the application will be returned to the applicant for necessary corrections.

6.2. Public Notice of Exemption

- 6.2.1. Upon confirming the application's completeness, the Licensing Officer will prepare a letter for circulation to residents within 60 meters of the property for which relief is being sought identifying the nature of the request and providing opportunity for comments or concerns by a specific date.
- 6.2.2. If the event would affect a large number of residents or community at large, an ad will be placed in the local paper for one week advising of the application and providing residents an opportunity to submit comments or concerns by a specific date.

6.3. Application Review and Deliberation

- 6.3.1. In deciding whether to grant the exemption, the Manager, Licensing and Enforcement will review the application, the report, and any written submissions and consider any noise related history related to the property.

- 6.3.2. If there are any expressed objections to the proposed noise exemption, the Manager, Licensing and Enforcement shall contact the parties opposed to the application.
- 6.3.3. The Manager, Licensing and Enforcement may include any terms and conditions as deemed fit to grant the exemption. .
- 6.3.4. Where an exemption is granted, any breach of the terms or conditions renders the exemption null and void.

7. RESPONSIBILITIES

- 7.1. **Council** has the authority and responsibility to:
 - 7.1.1. Adopt the Noise By-law Exemption Policy.
- 7.2. The **CAO** has the authority and responsibility to:
 - 7.2.1. Ensure compliance with the Noise By-law Exemption Policy.
- 7.3. The **Manager, Licensing and Enforcement** has the authority and responsibility to:
 - 7.3.1. Verify the completeness of the application upon receipt.
 - 7.3.2. Prepare a letter and/or advertisement to notify impacted residents of the exemption application.
 - 7.3.3. Decide whether to grant or refuse an exemption from the by-law, along with the accompanying terms and conditions for approval.
 - 7.3.4. Review and amend the format and presentation of the application for a Noise By-law Exemption, as appropriate, in conformance with the Noise By-law Exemption Policy.
- 7.4. The **Licensing Officer** has the authority and responsibility to:
 - 7.4.1. Return the application to the applicant if any deficiencies are identified during the verification process.
- 7.5. **Staff** have the responsibility to:
 - 7.5.1. Ensure their understanding and compliance with the policy and seek clarification where needed to follow the policy expectations.