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January 24, 2017

Mayor Eisenberger and Members of Council
c/o City of Hamilton City Clerk,
City of Hamilton.
71 Main Street West
Hamilton, ON, L8P 4Y5

Re: Proposed Noise By-Law amendment.
Council Agenda item 6.3
Planning Committee Report 17-001

Dear Mayor Eisenberger and Councillors:

I am writing on behalf of myself after consultation with several neighbours in relation to this proposed Noise By-law amendment. While consideration of the proposed by-law was tabled by Planning Committee, it remains possible for Council to lift the amendment off the table and consider it. Under the Planning Act, submissions must be made to Council before such a decision. As there was not time after learning about the proposed by-law two days before the Planning Committee meeting to make submissions to the Committee, I am obliged to make them to Council now in advance of any decision. In the hope that the Report will continue to be tabled, I will make these submissions as brief as possible:

1. The existing prohibition against live and recorded music on commercial patios was placed in the zoning by-law to avoid conflicts between neighbours and commercial patio owners. Nothing generates more bad relations than unwanted unreasonable noise.
2. Control of noise should be done by measurement at the point of reception, not at the boundary of the noise generator. The Ministry of Environment guidelines propose 50db at residential windows. I remind council that the City proposes to approve residential uses on Pier 8 in combination with potential restaurant uses. New development should never be approved if the noise level exceeds 50db at the plane of the receptor home window. Council will recall that my neighbours and I were subject to noise from Sarcoa measured at our windows in excess of 72 db.

3. Live and recorded music can cause a disturbance from both the noise level and from the nature of the sound. I invite Council to permit me and several of my neighbours to install a sound system in Council chambers and deliver two hours of heavy metal or hiphop bass guitar and drum beats at a 60db level. I suggest that may have a significantly adverse impact on the zen of the meeting. I encourage you not to approve the by-law without the experience of living with unwanted noise for an extended period of time, day after day.
4. Setting a noise level by by-law is a small part of dealing with the issue. The rubber hits the road with enforcement. The burden of enforcing the proposed limit across the City will be very onerous on your municipal by-law enforcement team. Moreover, because of variations in performances, the sound may be kept to a specified level for part of the evening and at a higher level for other parts of the evening, making enforcement dependent on the availability of enforcement officers when the sounds level are high.
5. It is truly difficult to understand the process by which the by-law came to Committee. I understood that the City of Hamilton was dedicated to engaging its citizens in the decision making process. There was no consultation with impacted residents. That is more than a formality. The group working on this issue in 2015 researched by-laws in virtually all the waterfront cities, visited municipalities with waterfront entertainment in many harbours in several countries and have experience that will help Council make a wise decision. We should have been consulted. We were not.
6. There are a number of examples of commercial establishments meeting the demand for music without impacting on their neighbours. For example, the Bay City Music Hall has been playing music inside for two years without a complaint from neighbours. Permitting such previously neighbourhood friendly establishments to move their music outdoors is a prescription for conflict.

My neighbours and I stand ready to assist the City in dealing with this issue in a wise and prudent manner. I request that the Tabling decision of the Planning Committee be respected.

Yours sincerely,



Herman Turkstra