

To: Planning Committee – April 18, 2017

Submission from: Carol Hoblyn – 600 John St North, Hamilton

Thank you for this opportunity to speak to the committee this morning. As I have been here previously to state my concerns, I will be brief.

Over the course of the past 5 years I have had numerous occasions to call upon Municipal Law Enforcement for remedy from noise infractions in my immediate neighbourhood. These complaints were deemed to be founded, but the actions of Bylaw did not put an end to the problem. My attempts to have bylaw and/or police respond to my calls for assistance were sometimes thwarted by the unavailability of a police officer to accompany the MLE officer due to the exigencies of the police service. That is to say, on a busy weekend evening, police may be too busy responding to calls of a more serious nature, to be able to escort MLE officers to a noise complaint. At other times, officers may be unavailable for reasons related to staffing shortages.

This was my experience under the current prohibition of live or recorded music on commercial patios, which has been viewed by some as too draconian.

Based on this experience, and in my opinion, the proposed new bylaw allowing for the pilot of an exemption for live or recorded music on commercial patios will be exceptionally hard to enforce. * Cllr. Partridge

If the city has difficulty enforcing its current bylaw expressly forbidding the playing of live or recorded music on a commercial patio (a simple "no you can't do this"), then the proposed change to the policy even temporarily, may give rise to the following difficulties with enforcement.

1. Will officers be available to attend to a complaint in a timely manner or even attend at all?
2. How will it be determined that an infraction has occurred? Acoustic measuring devices can vary greatly in accuracy, and how will it be proved

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that the establishment in question is the source of sound greater than 60 db, rather than nearby traffic or other sources. Who will be doing the measuring and monitoring during the pilot period?

3. The effect of deep pulsating bass beats may register less than 60 db at the point of reception, yet still be enough to seriously disrupt the quality of life

of those who happen to live within earshot. The decibel level is really inconsequential if the unwanted noise infiltrates my residence →
My optimistic self would like to believe that every business owner will be responsible and respectful of their residential neighbours, but my more pessimistic side fears that this will not be the case, based on my lived experience.

Until it is shown that enforcement tools will be consistently available, firm and effective, I will have difficulty supporting the proposed changes.

For the sake of my own health and well-being, as well as every other resident who is a captive listener to whatever music is being played or broadcast within earshot of their homes, I hope that you will take these issues to heart.

Thank you for your time.