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Town of Amherstburg

**Town of Amherstburg
Delegation Request
Form**

Your application will be reviewed and the Office of the Clerk will be in contact with you regarding your request. If you wish to simply attend the meeting, you can do so by watching our livestream or by attending Council Chambers at the scheduled meeting time.

General Guidelines

Members of the public must register by completing the Delegation Request Form in order to speak at a meeting.

- Delegation requests must be received by the Clerk, no later than the Thursday before the meeting.
- A delegation will not be registered to address the assembly unless this specific item is listed on an Agenda and the request is in keeping with all requirements of By-law 2023-085.
- Delegations are limited to 5 minutes.
- It is the responsibility of the public to indicate when an accommodation is required. The municipality will determine the best method to address this accommodation in consultation with the individual in advance of the meeting.

First Name Gary & Carmelina Wellman	Last Name Wellman
Phone Number [REDACTED]	Email Address [REDACTED]
Street Address [REDACTED]	City/Town [REDACTED]
Province [REDACTED]	Postal Code [REDACTED]

Are you Representing a Group/Organization?

YES

NO

Have you contacted Administration regarding this matter? Yes No

If yes, who? Clerk's office to obtain the Reports by the Director of Licensing & By Law Enforcement on this matter.

Is this Item on an upcoming Agenda? Yes No

If yes, please identify the Name of the Agenda item?

14.2 Noise By-law Exemption for Royal Canadian Legion Branch #157.

Do you intend to make an electronic presentation of any materials during the meeting?
(If so, please note all materials must be submitted as part of this application.)

Yes No

For office use only:

Date request received: _____ Request Received by (initials): _____

Request relates to: _____

Staff Report: _____ Staff Name: _____

Personal information contained on this form is authorized for the uses noted in the Town of Amherstburg's Procedure By-law, for the purpose of contacting individuals and/or organizations requesting an opportunity to appear as a delegation before Council or an Advisory Committee of Council. The Delegation Request Form and any materials provided may be published in its entirety with the public agenda which is also posted on the Town's website. The Procedure By-law is a requirement of Section 238(2) of the Municipal Act, 2001.

Please note that all meetings are open to the public except where permitted to be closed to the public under legislated authority. Questions regarding collection of the information on this form or additional accessibility requirements may be directed to the Municipal Clerk, 271 Sandwich Street South, Amherstburg, ON N9V 2A5, 519.736.0012

Disturbances caused by the excessive volume of the Legion's patio entertainment have been complained about for years. At first, we & some of our neighbours met with the Legion to attempt to resolve our issues in a neighbourly manner.

That did not succeed.

Approximately 5 years ago, the Council at that time, granted a 6 months exemption to the Noise

By-law in favor of the Legion, because of our complaints that the Legion was in contravention of the Noise By-law. This exemption was granted without conditions that we had requested, with predictable results.

Council also at that time asked for an Acoustical Engineering Report to monitor noise volume.

The Engineer presented the results at Council with a demonstration of the volume of noise received at the point of reception at our residence. This level of noise shocked those that were present. Volumes exceeded 100 decibels and, according to the Engineer, who also did noise consultation at Toronto's International Airport, said it far exceeded the noise directly beneath the flight path of airliners, as heard adjacent to the airport property.

Although numerous requests by us were made to

the Legion Management to control the volume of their entertainment, those requests fell on deaf ears. They were either unwilling or unable to control the volume of their entertainment.

Subsequently, Council as a result of the Acoustical Engineering Report, requested the Legion entertainment noise levels not to exceed 70 decibels. The Legion did not comply. They in fact admitted to Council that they exceeded 80 decibels in spite of Council's direction. Eighty (80) decibels is twice as loud as 70 decibels according to the decibel scale (like the Richter scale for earthquakes).

In order to effect some control over the excessive noise, the Director of Licensing & By-law Enforcement, was tasked to draft recommendations to limit noise volumes. The intent was to amend the Noise By-law to limit

decibel levels for outdoor entertainment. In his report to Council, it was recommended that no action be taken to provide for a maximum decibel volume for outdoor entertainment. This was because By-law Enforcement could not carry out any enforcement function as it did not have appropriate equipment, training & after hours manpower to enforce a proposed noise volume limitation.

The excessive noise continued last year once again & our request to keep volumes down during the performances, were ignored by the Legion.

We have never asked that the Legion not have outdoor entertainment but, our complaints have been limited to the noise volume & how often the entertainment takes place. How much volume is really needed to entertain their small patio?

To grant an exemption is rewarding past conduct that is "un-neighbourly". We question the right of Council to grant another 6 month exemption when one was previously granted. This is not something we believe Council can do annually under their By-law. What is the point of having a Noise By-law if it can be continually exempted every year for the entire summer?

We also believe that Councillors who are members of the Legion (3 in the last Council & 3 in the current Council) should declare a conflict on this matter.

If any exemption is given, which is undeserved, it should be on conditions. Expanding the number of days from 2 to 3 to include Friday evening should not be permitted. We have put up with enough in the 2 days that they have traditionally

had outdoor entertainment. Any exemption should also be limited to the month of June, with the Legion being required to reapply to continue with the exemption, based on how they conduct their outdoor entertainment in June. Let us see if they can control the volume of their entertainment before extending any exemption beyond the end of June. We feel that a long term exemption will result in the same experience from 5 years ago, where “anything goes” because, they had no conditions placed on their exemption request.

We have always supported Open Air & the usual public festivals that take place in the downtown area. They have never posed a problem nor, do they go on for 3 consecutive days of rock concert noise volumes. We chose to live in a downtown environment & we are prepared to accept some noise but, what we have been subjected to by

the Legion is unacceptable.

Respectfully, *Gary & Carmelina Wellman*
Gary & Carmelina Wellman