

May 24, 2022

Mr. Tetler,

RE: NOISE BY-LAW

The issues with the Legion & contravention of the Noise By-Law go back many years. I think the enclosed will give you some insight as you are new to your position with the Town.

We have read your report going to Council this evening & think that this matter should be deferred for further input from those affected.

We left a voicemail this morning to request copies of Appendices A and B to your Report.

Please call me at [REDACTED] when they are available.

Thankyou,

Dary & Carmelina Wellman

# opinion

Letters to the Editor

## Legion being "attacked" with noise complaints

The Amherstburg Legion Br. 157 is currently under attack. It is a fixture in Amherstburg since 1930.

The Legion is under attack by virtue of being across the street from the new commercial/residential complex now being occupied by businesses and residents.

The Legion has entertained patrons on the front

patio by employing local bands and musicians in an effort to raise funds to support many local, regional and national charities.

In 2017 and 2018, Royal Canadian Legion Br. 157 has supported these charities in the amount of over \$15,000.

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# Loss of income from the Legion could impact jobs, fundraising

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The result of losing income from the popular and legal venue would not only affect many local charities with the loss of operating funds but would also deny many local musicians the opportunity for employment.

The effects of noise complaints could result in the loss of jobs at the Legion.

The Legion is open for all to enjoy with this downtown venue offering great meals, entertainment and fellowship.

—Lieutenant Colonel C.W. Yorke CD  
Amherstburg

# opinion

Letters to the Editor

## Noise concerns not an "attack"

*Re: Legion under "attack"*

We were surprised by the letter from Lieutenant Colonel C. W. Yorke, CD to the RTT. This is a misdescription of the situation we have been working to address.

We moved into a downtown location and did not expect absolute quiet, but the noise from the outdoor entertainment was excessive, especially with the speakers pointed directly at us. The bands could be heard throughout the downtown and even on Boblo Island. After a number of months, we raised complaints with the Legion and the town.

Councillor Rick Fryer and CAO

John Micali facilitated a meeting with the Legion executive and management. The Legion agreed to reduce the volume of the outdoor music, which they substantially have and invited us to contact them on any occasion where we still had complaints.

We have been greatly satisfied with the lowered volume, other than the loud drum beat and bass guitars from some of the bands. This still reverberates. Entertaining the Legion's patrons should not unreasonably interfere with the enjoyment of others in the downtown.

We think any reasonable person would find the current volume more than adequate to entertain the patio

patrons, even if the loud drum beat and bass were further turned down. We do not understand why the bands need to entertain substantially beyond the Legion patio.

The issue for us is a reasonable accommodation among the Legion and the residents and businesses currently sharing the "same" downtown. It is not an issue of who was there first, or whether the Legion does good work.

To call our noise concerns an "attack," given the accommodations we have been working towards, is not, in our opinion, helpful.

—Gary & Carmelina Wellman  
Amherstburg

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## LETTERS TO THE EDITOR

# Residents voice concerns with noise from the Legion

Re: Noise Bylaw Issues With Legion

The Legion should not be granted a noise exemption, but rather needs to turn their music down.

After all, they are only playing for a small group of patrons on a small patio.

Ever since Duffy's has closed, it seems the music at the Legion has become louder and louder each year.

We live two blocks away and can sit in our backyard facing the opposite direction and sing along with the music it is that loud.

It's ridiculous how noisy it can get, and the profanity that comes from some of the crowd is offensive.

This is not a good image for a Royal Canadian Legion.

Shame on the Amherstburg Legion for not having the decency, common sense, and consideration the Royal Canadian Legion holds in such high regard.

Former RCL Members,

—*Joanne & Wayne Jackson*  
*Amherstburg*

# Letters to the Editor

## Noise bylaw issues

Town council will have an important issue to determine May 27. A request to exempt the Legion from the provision of the noise bylaw Friday and Saturday evenings and Sunday afternoons from May 1-Oct. 31 is proposed. The current bylaw prohibits amplified music being performed outdoor at a volume that disturbs the peace, quiet or comfort of any individual in any office, residence etc. The outdoor entertainment of the Legion does. This sound extends far beyond the Legion's patio. We have tried to resolve our complaints by reaching out to the legion's executive and management. We want to work with them. We have welcomed the assistance of the CAO and former Councillor Fryer in facilitating meetings. Progress was made and no formal noise complaints under the bylaw were ever pursued. We believe it is better to work towards a solution rather than filing noise complaints or for the Legion to pursue an exemption to the noise bylaw.

We do not object to outdoor entertainment in principle, but rather the volume of it. We and our neighbours had offered last year, and again this spring, to engage, at our expense, a sound engineer to determine how best to mitigate the noise. We suggested a good start would be to point the speakers away from our building, where they are currently directed, and towards the Legion's itself or their parking lot. The downtown should be enjoyed by all and respect shown to all, whether they conduct a business there, or live in or visit the area. If development plans proceed as proposed, even more residents, will move into the downtown and additional visitors will use the expanded King's Navy Yard Park. Let the Legion earn revenue from their patio and let their patrons enjoy it. We do not oppose that. We do not, however, believe sales will decrease, or the venue be less enjoyable, if the noise volume is turned down or mitigated in a reasonable fashion.

We think an exemption application at this time is premature. No formal objections were made about their outdoor entertainment last year. Council should defer it for a few months, so we can see if the issue can be solved, to the satisfaction of everyone. If council proceeds with the request, make it subject to reasonable conditions. Limit the noise to an acceptable decibel level and require the involvement of an acoustical engineer to make mitigation recommendations for the Legion's to implement. We are prepared to assist with the cost of this. Limit the exemption to one night, not two.

*Continued on Page 12*

## Resident concerned over exemption

*Continued from Page 5* lution and not an exemption.

The application proposes to expand the number of nights they had previously provided outdoor entertainment. Let's preferably work towards a so-

— Gary and Carmelina Wellman  
Amherstburg

# Legion noise exemption granted by council

By Ron Giofu

Royal Canadian Legion Br. 157 will be granted a noise exemption for its patio but all is not lost for nearby residents upset with the noise.

Per a motion from Councillor Michael rue, the exemption was granted but the town will work with the impacted residents and the Legion, monitor noise levels with the aid of an engineer and report back to council in October on what worked and what didn't.

Prue pointed out that the Legion is already fundraising for this year and it would be "a disservice to them" not to allow the exemption. He believed with good will on both sides, the issue of noise levels can be resolved.

"Monitoring noise is important because we need to know the impact of bad noise on people," he said.

Legion Br. 157 president Laurie Cavanaugh said they have had patio parties for numerous years and that has drawn people to Amherstburg. She said members downloaded an app to measure noise and also have had speakers pointed out over the open land where Duffy's used to be "but the phone calls still come in."

A petition at the Legion supporting the patio and its exemption gathered approximately 750 signatures, she added.

"Our patio is an asset to our branch," said Cavanaugh.

Neighbour Gary Wellman said "I have a great deal of respect for the Legion" but added there is a problem with noise.

"The noise bylaw predates their music on the patio by at least eight years," he said.

The noise he hears is "excessive," he believes, and that his son will often come out of his bedroom with his hands over his ears.

"I have no objection with the Legion trying to entertain their patio but they don't have to entertain the entire downtown," said Wellman.

The Legion did not respond to an offer that a sound engineer be engaged, he added, though Cavanaugh disputed that the Legion even received such an offer.

"My goal is to work with the Legion and try to find a solution to the problem we have," said Wellman. "I want to respect the Legion, I want them to be a decent neighbour and I want to be a decent neighbour to them."

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# Town to work with Legion, neighbours

*Continued from Page 1*

Wellman noted that he met last term with Cavanaugh, CAO John Miceli and then-Councillor Rick Fryer on the matter.

Dave Benet au, another neighbour, said 84 decibels is acceptable but based on the sound meters they have, it has reached 96 decibels on some nights.

Gore St. resident Michael Harris noted he built his home in the area knowing the Legion had patio parties.

"If anything, we should be appreciative of the Legion putting these events on because it brings people here," he said.

Councillor Donald McArthur said the noise bylaw is "vague" and wondered if other municipalities have established a standard.

Miceli said it varies, with cities like London limiting noise to 90 decibels while other smaller municipalities have lower standards such as 55.

The CAO suggested a sound engineer, noting the \$5,000 would be paid from the professional fees portion of his office's budget.

Councillor Peter Courtney believed that "commercial and residential don't mix" and that "it's frustrating this has to happen."

Courtney pointed out the Legion

existed when the Queen Charlotte condominiums were built and wondered if there was forethought before the neighbours moved in.

Planning wasn't done well enough in the past by the town, Prue added.

"We cannot be doing planning on the run," he said.

The issue was a hot topic at Monday night's meeting, as many in attendance in the council chambers and the lobby of town hall were there to hear about the noise bylaw issue.

Many applauded town council's decision following the lengthy debate.



# Good Neighbour Guide for

## BARS, RESTAURANTS & ENTERTAINMENT VENUES

Toronto is a vibrant city with a diverse population. While our streets can sometimes result in a noisy environment, the City of Toronto is committed to ensuring that noise and public safety concerns are addressed. We must all work together to ensure that our city is a good neighbour to all, including our own citizens who live in the vicinity of your establishment.

### REQUIREMENTS

1. Ensure that noise arising from entertainment or the sale and service of alcohol on your outdoor patio does not disturb local residents.
2. Ensure that amplified sound is not clearly audible beyond your lot line.
3. If you operate a nightclub, monitor line-ups outside and ensure the orderly conduct of your patrons. Nightclubs are required to have a municipal noise and crowd control plan; a metal detector; and to be staffed with at least one security guard for every 100 patrons in attendance.
4. Ensure that your waste is properly sorted, set out after 6:00pm on collection night, and placed in a City garbage bin, yellow bag, or a regular garbage bag with a Garbage Tag (make sure it is visible). If using private garbage collection, try to arrange pick-up times that aren't disruptive to nearby residents.
5. Keep the exterior of your establishment clean and free of litter, cigarette butts and gum, particularly locations that are adjacent to residential areas.
6. Smoking laws must be respected. Post "No Smoking" signs at entrances and exits to provide smokeless ashtrays at least nine metres from main entrances or exits, where feasible.

### ADDITIONAL GUIDANCE

7. Display prominent notices at main entrances and exits advising your patrons to leave in a quiet, peaceful, and respectful manner, and to avoid littering and public urination. Employees can also reinforce these expectations to patrons exiting the establishment.
8. Provide adequate mechanical ventilation within your establishment so that open doors and/or windows are not required, and noise is contained within.
9. Inform your employees about local transit options, including taxis and private transportation companies, so that they can provide this information to exiting patrons if required.

- 10.** Consider providing outdoor lighting to discourage nuisance activities along the street, sidewalk, or a rear laneway as appropriate, while also ensuring that light from these devices does not interfere with your neighbours.
- 11.** Consider participating in the Best Bar None program, an industry-led accreditation program for liquor licensees that have good relationships with the community and hospitality industry partners, and the highest standards for the responsible service of alcohol.
- 12.** Ensure that any persons or promoters who hold events on your premises are aware of the expectations outlined in this document and adhere to this guide.
- 13.** Establish lines of communication with your neighbours by providing a phone number for them to register complaints or concerns. Ensure the line is answered during your hours of operation, and equipped with a functioning message service for other periods.

