



CITY OF KINGSTON
REPORT TO ADMINISTRATIVE POLICIES
COMMITTEE

Report No.: AP-12-005

TO: Chair and Members of Administrative Policies Committee

FROM: Cynthia Beach, Commissioner, Sustainability & Growth

RESOURCE STAFF: Terry Willing, Director, Building & Licensing
Kim Leonard, Manager, Licensing & Enforcement

DATE OF MEETING: January 12, 2012

SUBJECT: Power Play Sports – Noise Exemption

EXECUTIVE SUMMARY:

At its regular meeting held on February 1, 2011 Council resolved:

THAT the Power Play Centre, located at 820 Gardiners Road, be granted a temporary exemption from the General Noise Prohibition on the use of whistles and buzzers, contained in section 7 of Schedule 'A' of By-Law No. 2004-52, "A By-Law to Regulate Noise", subject to the following conditions:

- 1. The volume of the buzzer signalling the end of each period of play shall be reduced;*
- 2. The blowing of whistles and sounding of buzzers shall be limited to only what is necessary for the regulation of the hockey games;*
- 3. No blowing of whistles or sounding of buzzers shall occur between 11:00 p.m. and 7:00 a.m. (9:00 a.m. on Sundays);*
- 4. This temporary exemption shall remain in effect until Council reviews the matter in January, 2012;*

- and further -

THAT Staff report back to Council in January, 2012, with its findings, including any complaints received regarding the use of whistles and buzzers at the facility, and with a recommendation regarding the continuation of the exemption.

The resolution was reconsidered by Council on December 20, 2011 and the matter was deferred to the Administrative Policies Committee.

A total of 10 complaints were received up to July 12, 2011 after which no further complaints have been received by the Licensing & Enforcement office. Resident concerns have been discussed with Power Play Sports who have taken appropriate and effective steps to help address those concerns. The noise by-law provides for this type of exemption as outlined in section 3.4 which states that *"If Council approves the application, the exemption will be in effect for the dates specified, and Council may impose any conditions that it considers appropriate"*. Staff are recommending that several conditions shall be applied to the exemption.

RECOMMENDATION:

THAT the Power Play Centre, located at 820 Gardiners Road, be granted an exemption from the General Noise Prohibition on the use of whistles and buzzers, contained in section 7 of Schedule 'A' of By-Law No. 2004-52, "A By-Law to Regulate Noise", subject to the following conditions:

1. The volume of the buzzer signal shall be kept at a reasonable sound level;
2. The blowing of whistles and sounding of buzzers shall be limited to only what is necessary for the regulation of the hockey games;
3. No blowing of whistles or sounding of buzzers shall occur between 11:00 p.m. and 7:00 a.m. (9:00 a.m. on Sundays);
4. Notice will be given two weeks in advance of any tournaments in the following manner:
 - a. Publication on the Power Play Center website;
 - b. Written notices to be provided to abutting neighbours;
 - c. Signage placed at the entrance to the facility.
5. Banging of sticks and banging in the stands will be monitored by the center and by the time keeper and will be kept to a minimum, and;

THAT the conditions are for a temporary exemption which will be reviewed over the next 12 months, and;

THAT Staff report back to the Administrative Policies Committee in February of 2013, with its findings, including any complaints received regarding the use of whistles and buzzers or any other activities at the facility, and with a recommendation regarding the continuation of the exemption.

AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY COMMISSIONER <hr/> Cynthia Beach, Commissioner, Sustainability & Growth
ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER <hr/> Gerard Hunt, Chief Administrative Officer

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Lanie Hurdle, <i>Community Services</i>	N/R
Denis Leger, <i>Transportation, Properties & Emergency Services</i>	N/R
Jim Keech, <i>President and CEO, Utilities Kingston</i>	N/R

(N/R indicates consultation not required)

OPTIONS/DISCUSSION:

On February 1, 2011 Council received a report requesting that the Power Play Centre, located at 820 Gardiners Road, be granted a temporary exemption from the General Noise Prohibition on the use of whistles and buzzers, contained in section 7 of Schedule 'A' of By-Law No. 2004-52, "A By-Law to Regulate Noise", subject to the conditions that were laid out in the resolution. Staff were also directed to report back to Council in January, 2012 with their findings, including any complaints received regarding the use of whistles and buzzers at the facility, and with a recommendation regarding the continuation of the exemption.

Staff received 10 complaints up to July 12, 2011 after which no further complaints have been received by the Licensing & Enforcement office. Nine of the complaints received were from one individual. When the initial application was made for the noise exemption the only concern of residents was the sounding of the whistles and buzzers. The complaints received after the pilot exemption was approved were varied and consisted of, but were not limited to, loud music, playing hockey, yelling, shouting, banging of sticks on the ground, banging boards, urinating after games, tournament start times, and request for a notification of the tournament start times.

At the time of the initial request for exemption the buzzer was located on the time clock of the scoreboard (Exhibit A) which was located well above the play area. Given its location the buzzer would emit sound for quite a distance beyond the play area of the rink at the end of each period. The buzzer has been removed from the score board and has been wired into the time keeper's box (Exhibit B) within the rink's playing area. The volume of the buzzer has also been turned down. As a result of this change, noise from the buzzer has been contained within the area of play on the rink. On May 16, 2011 a complaint was received regarding banging in celebration of goals by sticks on the ground. The complainant did advise staff that the buzzer had been relocated and therefore it did not emit sound as loudly as it did previously.

A complaint has been received advising that players are urinating on the fence located on the property line between the Power Play Centre and the homes on Davis Drive. This type of behaviour is not tolerated by the Power Play Center and is addressed in their rule book. Rule 8.1(f) falls under unsportsmanlike conduct/misconduct and states that "A Gross Misconduct shall be assessed to any player who is caught urinating on the property." Warning signs attached as Exhibit C have also been installed on the fencing, and these signs advise that public urination is prohibited and that there is video surveillance on the property. The center has experienced problems with the general public pulling in to the grounds and urinating, and those instances are reported to Kingston Police.

Loud profane language has also been a concern for the Power Play Sports Center. Rule 81-E states that if the referee is unable to identify the player responsible for obscene, profane or abusive language that a bench minor penalty shall be given to the offending team. If the profane language comes from the fans then the team associated with the offending fan is penalized.

Some players and fans have remained at the center after it has closed. Management have amended the job description of the timekeeper and he or she is now required to be the last to leave the rink surface, and is also required to encourage players and fans to leave the property promptly and in a respectful manner.

Concerns have been raised regarding tournaments that are held at the Power Play Centre. All tournaments are non profit and proceeds are donated to local charities. Residents expressed a desire to be advised when the tournaments would be held and that they would not start until after 9:00 a.m. A mobile sign (Exhibit D) is placed at the roadside to the entrance to the center and the center has agreed to place an advertisement of the tournaments on the sign at least two weeks in advance of the event. Written notices will also be provided to those neighbours who occupy property that backs onto the property occupied by the Power Play Centre.

Excessive banging of sticks and banging in the stands will be monitored by the center and by the timekeeper and will be kept to a minimum.

The Power Play Center also has a website at <http://powerplaycentre.pointstreaksites.com>. The website has information regarding upcoming tournaments as well as other useful information including the rule book.

EXISTING POLICY/BY LAW:

Council has granted temporary exemptions to By-Law 2004-52 "A By-Law to Regulate Noise" and the authority to do so is specifically granted to Council under Subsection 129 (3) of the *Municipal Act*. Council also has the authority to amend the By-Law to provide for a more permanent exemption.

NOTICE PROVISIONS:

The authority to grant exemptions is specifically granted to Council under Subsection 129 (3) of the *Municipal Act* which no longer requires public notification. A temporary exemption has been in place since February 1, 2011 and the public has had the opportunity to provide their concerns with the exemption.

ACCESSIBILITY CONSIDERATIONS:

This report is available in alternate format upon request.

FINANCIAL CONSIDERATIONS:

N/A

CONTACTS:

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OTHER CITY OF KINGSTON STAFF CONSULTED:

Mark McLaughlin, Senior Legal Counsel	613-546-4291 ext. 1365
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EXHIBITS ATTACHED:

Exhibit "A" – Previous Location of Buzzer
Exhibit "B" – New Location of Buzzer in Rink Area
Exhibit "C" – Warning Sign
Exhibit "D" – Road Signage

PREVIOUS LOCATION OF BUZZER



NEW LOCATION OF BUZZER IN RINK AREA



WARNING SIGN



ROAD SIGNAGE

