



**CITY OF KINGSTON**  
**REPORT TO COUNCIL**

Report No.: 10-246

**TO:** Mayor and Members of Council

**FROM:** Terry Willing, Acting Commissioner, Community Development Services

**RESOURCE STAFF:** Kim Leonard, Acting Director, Building & Licensing

**DATE OF MEETING:** July 20, 2010

**SUBJECT:** Request for Noise Exemption – Raise the Roof Festival

**EXECUTIVE SUMMARY:**

The co-ordinators of the Raise the Roof Festival have made application for an exemption to the noise control by-law to permit amplified music at their event to be held at Myles Acres, 1560 Abbey Dawn Road.

The applicant is seeking an exemption from the normal amplified music prohibition in residential areas to allow for amplified music between the hours of 5:00 p.m. and 11:00 p.m. on Friday, July 23, 2010, 11:00 a.m. to 11:00 p.m. on Saturday, July 24, 2010 and 11:00 a.m. to 4:00 p.m. on Sunday, July 25, 2010.

**RECOMMENDATION:**

**THAT** Raise the Roof be granted an exemption from the normal prohibition under Schedule “B” of By-Law No. 2004-52 “A By-Law To Regulate Noise”, in order to allow for a festival between the hours of 5:00 p.m. and 11:00 p.m. on Friday, July 23, 2010, 11:00 a.m. to 11:00 p.m. on Saturday, July 24, 2010 and 11:00 a.m. to 4:00 p.m. on Sunday, July 25, 2010.

**AUTHORIZING SIGNATURES:**

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| <p>ORIGINAL SIGNED BY COMMISSIONER</p> <p>Terry Willing, Acting Commissioner, Community Services</p>    |
| <p>ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER</p> <p>Gerard Hunt, Chief Administrative Officer</p> |

**CONSULTATION WITH THE FOLLOWING COMMISSIONERS:**

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| Cynthia Beach, <i>Sustainability &amp; Growth</i>                       | N/R |
| Denis Leger, <i>Transportation, Properties &amp; Emergency Services</i> | N/R |
| Jim Keech, <i>President and CEO, Utilities Kingston</i>                 | N/R |

**OPTIONS/DISCUSSION:**

Raise the Roof is a not-for-profit festival which is being held to celebrate the spirit of women through music and nature.

Applications for noise exemptions normally requires an advertisement of the request for exemption which outlines the details of the event. Advertising the event provides the public with the opportunity to voice their concerns regarding the request for exemption from the normal regulations. The event co-ordinators did not consult with City staff regarding their event and the requirement for an exemption until July 6, 2010 and therefore given the time lines the normal processes for a noise application could not be followed. The event co-ordinators have confirmed that they will be hand delivering letters to the local area residents describing the event, show times, websites etc. Local residents will also be offered free tickets to attend the event.

The outdoor stage will be located near the barn at Myles Acres and the stage is approximately 1200 feet (.22 miles) to the nearest residence. The applicant has also advised that there are about 9 neighbours within a 1900 foot (.35 miles) perimeter. The co-ordinators have verified that they have spoken to the closest residents about the event and those residents have no concerns.

**EXISTING POLICY/BY LAW:**

By-Law 2004-52 being A By-Law to Regulate Noise in the City of Kingston, Schedule "B" prohibits amplified noise in residential areas at all times.

**NOTICE PROVISIONS:**

Council has granted exemptions to the Noise Control By-Law for events that required amplified music in a residential area in the past, and the authority to do so is specifically granted to Council under Subsection 129 (3) of the *Municipal Act* which does not require public notification.

It has been a practice for staff to require advertisement of events of this type. Advertisement of the events allows staff to make their recommendation to council with knowledge of the impacts that the event may have on the surrounding neighbours. The noise exemption request for this event has not been advertised as time would not allow for public consultation.

**ACCESSIBILITY CONSIDERATIONS:**

N/A

**FINANCIAL CONSIDERATIONS:**

A \$100.00 fee was received to help cover the cost of processing noise exemption requests. There are no other financial considerations.

**CONTACTS:**

Kim Leonard, Acting Director, Building & Licensing – 613-546-4291 ext. 3222  
Greg McLean, Supervisor, Animal Control & By-Law Enforcement – 613-546-4291 ext. 1336  
Jeff Hook, Myles Acres - 613-548-4170

**OTHER CITY OF KINGSTON STAFF CONSULTED:**

Brian Fleming, Kingston City Police

**EXHIBITS ATTACHED:**

N/A