



CITY OF KINGSTON
REPORT TO COUNCIL

Report No.: 10-257

TO: Mayor and Members of Council
FROM: Terry Willing, Acting Commissioner, Community Services Group
RESOURCE STAFF: Kim Leonard, Acting Director, Building & Licensing
DATE OF MEETING: August 24, 2010
SUBJECT: Request for Noise Exemption – Queen’s University Orientation Week

EXECUTIVE SUMMARY:

The Queen’s Orientation Roundtable Alma Mater Society has made application for exemption to the noise control by-law for an outdoor spirit event to be held at Tindall Field, located at 160 Union Street West on Thursday, September 9, 2010. The event will run from 8:00 p.m. until 11:45 p.m.

The Queen’s Arts and Science Undergraduate Society Orientation has also made application for an exemption to the noise control by-law to hold an outdoor semi-formal at Agnes Benedickson Field off 5th Field Company Lane, 43 University Avenue on Saturday, September 11, 2010. Set-up and sound testing will take place from 6 p.m. until 8 p.m. and the event will follow from 8 p.m. until 11:59 p.m.

The amplified noise associated with these events is not permitted at any time in residential areas, but staff supports an exemption to allow these events.

RECOMMENDATION:

THAT Queen’s Alma Mater Society is granted an exemption to Schedule B of By-Law 2004-52 “A By-Law To Regulate Noise”, to permit an outdoor spirit event to be held at Tindall Field, located at 160 Union Street West from 8:00 pm until 11:45 p.m. on Thursday, September 9, 2010.

THAT Queen’s Arts and Science Undergraduate Society is granted an exemption to Schedule B of By-Law 2004-52 “A By-Law To Regulate Noise”, to permit an outdoor semi-formal at Agnes Benedickson Field off 5th Field Company Lane at 43 University Avenue from 6 p.m. until 11:59 p.m. on Saturday, September 11, 2010.

AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY COMMISSIONER _____ Terry Willing, Acting Commissioner, Community Services Group
ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER _____ Gerard Hunt, Chief Administrative Officer

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Cynthia Beach, <i>Sustainability & Growth</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:

The Queen’s Orientation Roundtable Alma Mater Society has made application for exemption to the noise control by-law for an outdoor spirit event to be held at Tindall Field Thursday, September 9, 2010. The Queen’s Arts and Science Undergraduate Society Orientation has also made application for an exemption to the noise control by-law to hold an outdoor semi-formal at Agnes Benedickson Field on Saturday, September 11, 2010.

Council did grant an exemption last year for Queen’s Alma Mater Society to hold an outdoor Semi-formal at Agnes Benedickson Field off 5th Field Company Lane, 43 University Avenue on Saturday, September 12, 2009 from 6:00 p.m. to 11:59 p.m. Council also granted an exemption to Queen’s Alma Mater Society to hold an Engineering Banquet at Agnes Benedickson Field off 5th Field Company Lane, 43 University Avenue on Sunday, September 13, 2009 from 4:00 p.m. until 8:00 p.m. There have been no outstanding issues associated with last year’s exemptions.

EXISTING POLICY/BY LAW:

Council has granted exemptions to By-Law 2004-52 “A By-Law To Regulate Noise” for these events in the past, and the authority to do so is specifically granted to Council under Subsection 129 (3) of the *Municipal Act*.

NOTICE PROVISIONS:

An advertisement of this request for exemption was placed on the City Page in the Kingston Whig-Standard on Tuesday, July 20, 2010. Objections were accepted up until Tuesday, July 27, 2010. The advertisement did state that anyone wishing to object to the exemption should deliver their concerns in writing or by e-mail before July 27, 2010 to the Manager of Licensing and Enforcement. There have been no objections submitted to this request.

The *Municipal Act* no longer requires public notification, but notice is given in order to provide Council with some community feedback before deciding on these requests.

ACCESSIBILITY CONSIDERATIONS:

This report is available in alternate format upon request.

FINANCIAL CONSIDERATIONS:

A \$100.00 fee was received to help cover the cost of processing noise exemption requests. Queen’s AMS paid for the notice in the paper.

CONTACTS:

Kim Leonard, Manager, Licensing & Enforcement (613) 546-4291 ext. 3222

OTHER CITY OF KINGSTON STAFF CONSULTED:

Brian Fleming, Kingston City Police

EXHIBITS ATTACHED:

Exhibit A – Noise Exemption Request Advertisement

EXHIBIT A
July 20, 2010 – Kingston Whig Standard Advertisement

**Request for Noise Exemption – Queen’s University
Orientation week**

The Queen’s Orientation Roundtable Alma Mater Society has made application for exemption to the noise control by-law to hold an outdoor spirit event to be held at Tindall Field, located at 160 Union Street West on Thursday, September 9, 2010. The event will run from 8:00 p.m. until 11:45 p.m.

The Queen’s Arts and Science Undergraduate Society Orientation has also made application for an exemption to the noise control by-law to hold an outdoor semi-formal at Agnes Benedickson Field off 5th Field Company Lane, 43 University Avenue on Saturday, September 11, 2010. Set-up and sound testing will take place from 6 p.m. until 8 p.m. and the event will follow from 8 p.m. until 11:59 p.m.

The amplified noise associated with these events is not permitted at any time in residential areas according to Section 4 under Schedule B of Noise Control By-Law 2004-52.

Anyone wishing to object to these exemptions should deliver their concerns in writing or by e-mail before Tuesday, July 27, 2010 to:

City of Kingston
Kim Leonard, Manager, Licensing & Enforcement
216 Ontario Street
Kingston, ON K7L 2Z3

Phone: 613-546-4291, ext. 3222 Fax:
613-542-1332
Email: kleonard@cityofkingston.ca
Located at 216 Ontario Street

This matter will be considered during the regular Council Meeting that commences at 7:30 p.m. on Tuesday, August 24, 2010.

NOTICE OF COLLECTION: Personal Information collected is pursuant to the Municipal Freedom of Information and Protection of Privacy Act (and all other applicable privacy provincial and federal legislation). Such legislation is reviewed and applied for the collection, use, disclosure and destruction of the information. The personal information collected as a result of this public notice will be used to assist in making a decision on this matter. All names, addresses, opinions and comments collected will be made available for public disclosure. Questions regarding this collection should be forwarded to Kim Leonard, Manager of Licensing and Enforcement, 216 Ontario Street, Kingston, Ontario, K7L 2Z3 or by e-mailing kleonard@cityofkingston.ca