



**City of Kingston  
Report to Council  
Report Number 15-417**

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**To:** Mayor and Members of Council  
**From:** Lanie Hurdle, Commissioner, Community Services  
**Resource Staff:** Paige Agnew, Director, Planning, Building & Licensing Services  
**Date of Meeting:** October 20, 2015  
**Subject:** Ministry of Transportation – Noise Exemption Extension  
Request - Rehabilitation of the Docks at the Howe Island County Ferry

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**Executive Summary:**

The Ministry of Transportation has made a request for an extension of their noise exemption for rehabilitation of the docks at the Howe Island County Ferry located at the end of Howe Island Ferry Road. An extension is being requested as a result of delays for the commencement of construction and further delays that may occur during the project.

The applicant has requested that their exemption as approved by Council on August 11, 2015 be extended from an end date of October 30, 2015 to an end date of December 31, 2015. All other conditions as set out in the approved exemption shall remain in effect during the exemption period.

**Recommendation:**

**That** the Ministry of Transportation be granted an extension to their August 11, 2015 exemption from the normal 7:00 p.m. to 7:00 a.m. restriction under Schedule "B" of By-Law Number 2004-52, "A By-Law to Regulate Noise" to permit rehabilitation of the docks at the Howe Island County Ferry located at the end of Howe Island Ferry Road between the hours of 7:00 p.m. and 7:00 a.m. commencing on October 30, 2015 and continuing only when necessary from Monday to Sunday, excluding Statutory Holidays until December 31, 2015; and

**That** this activity be permitted only for a maximum of 24 nights during the exemption period; and

**That** The Ministry of Transportation provides the City of Kingston through the Manager of Licensing and Enforcement Division, 48 hours' notice before the exemption is being utilized.



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**Options/Discussion:**

The Ministry of Transportation has made a request for an extension of their noise exemption for rehabilitation of the docks at the Howe Island County Ferry located at the end of Howe Island Ferry Road. On August 11, 2015, Council granted the following exemption for the same project:

**“That** the Ministry of Transportation be granted an exemption from the normal 7:00 p.m. to 7:00 a.m. restriction under Schedule “B” of By-Law Number 2004-52, “A By-Law to Regulate Noise”, in order to allow for rehabilitation of the docks at the Howe Island County Ferry located at the end of Howe Island Ferry Road for operations between the hours of 7:00 p.m. and 7:00 a.m. from September 21, 2015 and continuing only when necessary from Monday to Sunday, excluding Statutory Holidays, until October 30, 2015; and

**That** this activity be permitted only for a maximum of 24 nights during the exemption period; and

**That** the Ministry of Transportation provides the City of Kingston through the Manager, Licensing and Enforcement Division, 48 hours’ notice before the exemption is being utilized.”

The amendment request is required as the timeline for commencement of the work was delayed and an extended exemption allows the contractor more flexibility should any unanticipated delays occur. The total number of night-time work is anticipated to be a maximum of 24 nights. Temporary advance information signs will be placed at strategic locations to provide the public with notification of upcoming night-time construction. There are no changes to the scope of work contained in the previous report requesting the exemption.

**Existing Policy/By-Law:**

By-Law Number 2004-52 being, “A By-Law to Regulate Noise”, allows for applications for exemptions. An exemption for this project was granted by Council in August of 2015.

**Notice Provisions:**

An advertisement of this request for an extension of the noise exemption was placed in the Kingston Whig Standard on Tuesday, August 25, 2015, a copy of which is attached to the report as Exhibit A. There have been no objections submitted to this request in response to the public notice.

Council has granted exemptions to the Noise Control By-Law for this type of activity in the past, and the authority to do so is specifically granted to Council under Subsection 129 (3) of the Municipal Act which no longer requires public notification.

**Accessibility Considerations:**

Not applicable

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**Financial Considerations:**

The Ministry of Transportation has paid for the advertisement that was required for this request for extension of the noise exemption.

**Contacts:**

Paige Agnew, Director, Planning, Building & Licensing Services 613-546-4291 extension 3252

Kim Leonard, Manager, Licensing and Enforcement 613-546-4291 extension 3222

**Other City of Kingston Staff Consulted:**

Not applicable

**Exhibits Attached:**

Exhibit A    Public Notice

**Public Notice Section**  
**Noise Exemption Amendment Request**

The Ministry of Transportation (MTO) has made application for an amendment to their current exemption to Noise Control By-Law 2004-52 Schedule “B” to permit rehabilitation of the docks at the Howe Island County Ferry located at the end of Howe Island Ferry Road. The applicant has requested that their exemption as approved be extended from an end date of October 30, 2015 to an end date of December 31, 2015. All other conditions as set out in the approved exemption shall remain in effect during the exemption period.

This amendment request is as a result of delays for the commencement of construction and further delays that may occur during the project.

Council approved the following exemption at its regular meeting on August 11, 2015:

**MTO Request for Noise Exemption – Howe Island County Ferry**

**That** the Ministry of Transportation be granted an exemption from the normal 7:00 p.m. to 7:00 a.m. restriction under Schedule “B” of By-Law Number 2004-52, “A By-Law to Regulate Noise”, in order to allow for rehabilitation of the docks at the Howe Island County Ferry located at the end of Howe Island Ferry Road for operations between the hours of 7:00 p.m. and 7:00 a.m. from September 21, 2015 and continuing only when necessary from Monday to Sunday, excluding Statutory Holidays, until October 30, 2015; and

**That** this activity be permitted only for a maximum of 24 nights during the exemption period; and

**That** the Ministry of Transportation provides the City of Kingston through the Manager, Licensing and Enforcement Division, 48 hours’ notice before the exemption is being utilized.

The current by-law only permits this activity from Monday to Saturday between the hours of 7:00 a.m. and 7:00 p.m. and excludes Sundays and Statutory Holidays.

Anyone wishing to object to this exemption should deliver their concerns in writing or by e-mail before 4:00 p.m. on September 4, 2015 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

This matter will be considered during the regular Council meeting that commences at 7:30 p.m. on October 20, 2015.

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](mailto:kleonard@cityofkingston.ca).