



**City of Kingston
Report to Council
Report Number 17-145**

To: Mayor and Members of Council
From: Lanie Hurdle, Commissioner, Community Services
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: May 16, 2017
Subject: Request for Extension of Noise Exemption – Queen’s University, Richardson Stadium

Executive Summary:

Queen’s University has applied for an extension of its existing temporary exemption to the City’s Noise Control By-Law to permit the playing of amplified music at Richardson Stadium on 15 occasions between July 1, 2017 and June 30, 2018. One of these 15 occasions involves an evening Queen's Varsity football game, for which Queen's University is requesting that the exemption for the playing of amplified music be extended until 10:30 p.m. on Thursday, October 5, 2017 only.

On April 19, 2016, Council approved an extension to a temporary noise exemption, originally approved by Council on July 15, 2014. This exemption permitted various types of noise associated with sporting activities at Queen’s West Campus sports fields between the hours of 9:00 a.m. and 9:00 p.m., Monday to Sunday, including Statutory Holidays, from July 1, 2016 to June 30, 2017. The exemption included the playing of amplified music on 15 occasions at Richardson Stadium.

Under the recently amended Noise Control By-Law, the use of game whistles and the amplification of sound for the purpose of playing the national anthem and intermittent game-related PA announcements during organized sporting activities at sports fields are now permitted between 8:00 a.m. and 10:30 p.m. The playing of amplified music during organized sporting activities at sports fields was intentionally not included in the amendments to the by-law and therefore, without an exemption approved by Council, this type of noise remains prohibited at any time in a residential area.

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A public notice of this noise exemption request elicited one question from a resident which was answered to that person's satisfaction.

Staff recommend approval of the request for this further extension of the noise exemption, and also recommends approval of Queen's request to play amplified music at Richardson Stadium until 10:30 p.m. on October 5, 2017, in conjunction with an evening varsity football game.

Recommendation:

That Queen's University be granted a further extension of its exemption from the prohibition on noise under Schedule "B", Activity Number 4, of By-Law Number 2004-52, 'A By-Law to Regulate Noise', to allow for amplified music to be played at Richardson Stadium between 9:00 a.m. and 9:00 p.m. to a maximum of 15 event occurrences between July 1, 2017 and June 30, 2018; and

That as one of the 15 occurrences at Richardson Stadium, amplified music be permitted until 10:30 p.m. on Thursday, October 5, 2017 in conjunction with a scheduled evening Queen's varsity football game; and

That Queen's University report their game occurrence usage for Richardson Stadium in which amplified music is played to the Manager of Licensing & Enforcement at the end of each month between July 1, 2017 and June 30, 2018.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Denis Leger, Commissioner, Corporate & Emergency Services Not required

Jim Keech, President and CEO, Utilities Kingston Not required

Desiree Kennedy, Chief Financial Officer & City Treasurer Not required

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Options/Discussion:

Queen's University has applied for an extension of its existing exemption to the City's Noise Control By-Law to permit the playing of amplified music at Richardson Stadium on 15 occasions between July 1, 2017 and June 30, 2018 (Exhibit A).

On April 19, 2016, Council approved an extension to a temporary noise exemption, originally approved by Council on July 15, 2014. This exemption permitted various types of noise associated with sporting activities at Queen's West Campus sports fields and Richardson Stadium between the hours of 9:00 a.m. and 9:00 p.m., Monday to Sunday, including Statutory Holidays, from July 1, 2016 to June 30, 2017. The exemption allowed for the playing of amplified music on 15 occasions at Richardson Stadium.

Under the recently amended Noise Control By-Law, the use of game whistles and amplification of sound for the purpose of playing the national anthem and intermittent game-related PA announcements during organized sporting activities at sports fields is now permitted between 8:00 a.m. and 10:30 p.m. The playing of amplified music during organized sporting activities at sports fields was intentionally not included in the amendments to the by-law and therefore, without an exemption approved by Council, this type of noise remains prohibited at any time in a residential area.

Queen's advises that it has been assigned a Thanksgiving weekend home varsity football game by Ontario University Athletics (OUA) against the University of Waterloo. The OUA suggests that universities hosting a Thanksgiving game consider holding this game on the Thursday or Friday evening to provide the opportunity to all players to spend the long weekend with their families. Queen's wishes to schedule this game for the evening of October 5, 2017, the Thursday leading into the Thanksgiving weekend. Scheduling this event on Thursday evening provides the opportunity for Queen's students to attend the game before leaving for the long weekend. A tentative start time of 6:30 p.m. will allow for the field to be vacated before 10:30 p.m.

A public notice of the noise exemption request (Exhibit B) was published in The Kingston Whig-Standard and posted to the City's website on April 11, 2017. One question was received in response to the public notice. A resident inquired as to whether the amplified music exemption request by Queen's represented a continuation of the 15 occurrences it has previously received an exemption for or whether the request was for events in addition to the 15 occurrences. The resident was advised that the request for 15 occurrences at Richardson Stadium represents a continuation of the exemption on the same terms that Council has approved in previous years and not for any additional number of occurrences. The resident was satisfied with this response.

Based on the absence of complaints received regarding noise from amplified music at Richardson Stadium during the current exemption extension, and that no objections to this request have been received in response to the public notice of this exemption request, staff recommend approval of the request for this further extension of the noise exemption. Staff also recommend approval of the one-time request to play amplified music at Richardson Stadium until 10:30 p.m. on October 5, 2017 in conjunction with an evening varsity football game, as this

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time frame aligns with the time now permitted for other types of noise associated with a sporting event including whistles, the playing of the national anthem and intermittent P.A. announcements. The 10:30 p.m. extension request was specifically referenced in the public notice and no objections were received.

Existing Policy/By-Law:

Council may grant exemptions to By-Law Number 2004-52 "A By-Law to Regulate Noise". The authority to approve noise exemptions is specifically granted to Council under Subsection 129 (3) of the *Municipal Act*.

Notice Provisions:

The *Municipal Act* no longer requires public notification of noise exemption requests, but notice is given in order to provide Council with some community feedback before deciding on these requests. An advertisement of this request for exemption was placed on the City page in The Kingston Whig-Standard on April 11, 2017 and was posted on the City's website. The advertisement stated that anyone wishing to object to the exemption should deliver their concerns in writing or by email by 12:00 p.m. on April 20, 2017, to the Licensing and Enforcement Division.

Financial Considerations:

Queen's University is required to pay a 're-application for noise exemption' fee of \$77.25 to help cover the cost of processing the noise exemption extension request as well as the full cost for publishing the notice in the newspaper.

Contacts:

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

Greg McLean, Policy and Program Coordinator 613-546-4291 extension 1336

Other City of Kingston Staff Consulted:

Not applicable

Exhibits Attached:

Exhibit A Correspondence from Applicant

Exhibit B Public Notification of Application for Noise Exemption



OFFICE OF THE VICE-PRINCIPAL,
UNIVERSITY RELATIONS

Richardson Hall, Room 151
74 University Avenue
Queen's University
Kingston, Ontario
Canada K7L 3N6

April 5, 2017

Mr. Greg McLean
Policy and Program Coordinator, Licensing & Enforcement
City of Kingston
216 Ontario Street
Kingston, ON K7L 2Z3

Dear Mr. McLean,

I am writing with respect to Queen's University's temporary exemption to the noise control bylaw for Richardson Stadium. As you know, City Council most recently approved an extension to this exemption at its meeting on April 19, 2016, and the exemption is currently in effect until June 30, 2017.

Queen's would like to request a further one-year extension of its exemption for the playing of amplified music at Richardson Stadium on up to 15 occurrences, with the same terms and conditions, to June 30, 2018. Queen's would also like to request that, on Thursday, October 5, 2017, the terms of its noise control bylaw exemption be extended for Richardson Stadium to permit the playing of amplified music until 10:30 pm. This would allow an evening football game to be played at Richardson Stadium on that date.

As part of the upcoming 2017-18 football season, Queen's has been assigned a Thanksgiving weekend home game by Ontario University Athletics (OUA) against the University of Waterloo. The OUA suggests that universities hosting a Thanksgiving game consider holding this game on the Thursday or Friday evening to provide the opportunity to all players to spend the long weekend with their families.

Queen's would like to schedule this game for the evening of October 5, 2017, the Thursday leading into the Thanksgiving weekend, with a tentative start time of 6:30 pm. The Thursday evening maximizes the opportunity for Queen's students to attend the game before leaving for the long weekend, as many students do. We also hope that it will be an event of interest to the members of the larger Kingston community.

Evening games are played at university stadiums across the country and are well-received, popular community events. The old Richardson Stadium did not allow us to host evening activities, as it did not have the required infrastructure. With the overall success of the inaugural 2016-17 season in the revitalized stadium, we believe that it is appropriate in 2017 to

host one evening game, as many universities do, and for which we will work towards a positive reception from the community and Gaels fans. Starting the game at 6:30 p.m., which is earlier than usual, will provide for the field to be totally clear before 10:30 pm.

The university continues to consult with the city and our neighbours to address any concerns expressed about noise, and we have implemented several noise mitigation strategies, which have been detailed in previous correspondence. In fact, our West Campus hotline did not receive one call of complaint during the last season. We are committed to continuing to respond to any concerns expressed.

As such, Queen's respectfully requests Council's consideration of this continued exemption at its earliest convenience to allow sufficient time to plan for the upcoming athletics and recreation season.

Thank you for your assistance in this matter.

Sincerely,



Michael Fraser
Vice-Principal (University Relations)

Copy: Benoit-Antoine Bacon, Provost and Vice-Principal (Academic)
Ann Tierney, Vice-Provost and Dean of Student Affairs
Jeff Downie, Director, Business Development and Operations, Athletics and Recreation

Whig Standard Ad - April 11, 2017

**Request for extension to temporary Noise Exemption– Queen’s University,
Richardson Stadium**

Requested *Noise By-law* exemption would allow amplified music at Richardson Stadium between 9 a.m. and 9 p.m., from July 1, 2017 to June 30, 2018, for 15 event occurrences, including Oct. 5, 2017 until 10:30 p.m. For details, go to CityofKingston.ca/news or call 613-546-0000. Deadline to submit objection to this exemption request is 12 p.m., April 20.

City of Kingston website Public Notice

Request to extend Richardson Stadium noise exemption

April 10, 2017

Queen's University has had a noise exemption for Richardson Stadium since July 15, 2014 and has made application to extend its temporary exemption to *Noise Control By-law 2004-52*, Schedule "B," Activity 4 to permit noise from the operation of any device or group of connected devices intended for the production, reproduction, or amplification of voices or sounds, specifically for the purpose of playing music at Richardson Stadium between 9 a.m. and 9 p.m., Monday to Sunday, including on statutory holidays.

Queen's University requests that the proposed extension cover the period between July 1, 2017 and June 30, 2018, to a maximum of 15 event occurrences. One of these 15 occurrences involves an evening Queen's Varsity football game, for which Queen's University is requesting that the exemption for the playing of amplified music be extended until 10:30 p.m. on Thursday, Oct. 5, 2017 only.

About the Noise By-law

The current by-law prohibits the operation of any device or group of connected devices intended for the production, reproduction, or amplification of voices or sound at all times in residential areas, except for the playing of the national anthem and for intermittent game-related announcements during organized sporting activities at a sports field between 8 a.m. and 10:30 p.m., on the condition that the volume does not exceed the minimum level required to be clearly audible to persons at a sports field.

Anyone wishing to object or to comment regarding this temporary noise exemption should deliver their concerns in writing or by email before 12 p.m. on Thursday, April 20, 2017 to:

City of Kingston
Greg McLean, licensing & enforcement
216 Ontario Street

Kingston, ON K7L 2Z3
Located at: 216 Ontario Street
Phone: 613-546-4291 ext 1336
Fax: 613-542-1332
Email: gmclean@cityofkingston.ca

This matter will be considered during the regular council meeting that commences at 7:30 p.m. on Tuesday, May 16, 2017.

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 Greg McLean, licensing and enforcement, 216 Ontario St., Kingston, Ontario, K7L 2Z3 or by emailing gmclean@cityofkingston.ca