



**City of Kingston
Report to Council
Report Number 18-106**

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 15, 2018
Subject: Request for Noise Exemption – Grenadiers Football Games at Richardson Stadium

Executive Summary:

The Limestone District Grenadiers Football Club has applied for an exemption to the City of Kingston's Noise By-Law to play amplified music during stoppages in play in their club's scheduled games to be played at Richardson Stadium, located on Queen's University's West Campus, between 1 p.m. and 9 p.m. on the following dates: May 20 and 26, June 9 and 16, and, if any of the Grenadiers teams make the playoffs, on July 7 and possibly July 14, 2018 as well.

Under the City of Kingston's Noise By-Law, the use of game whistles and amplification of sound for the purpose of playing the national anthem and intermittent game-related P.A. 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 is not permitted under the by-law at any time in a residential area, and an exemption would therefore be required.

In response to a public notice of the noise exemption request, two neighbourhood residents objected to the playing of amplified music, either at any time, or later in the evening. The applicant subsequently amended their request to play amplified music to end one hour earlier, at 9 p.m., which aligns with the noise exemption currently approved for Queen's sporting events held at Richardson Stadium.

A series of questions was also received from residents concerned about the number of occasions amplified music could be played at Richardson Stadium under this exemption request, when combined with the 15 occurrences already permitted under Queen's existing

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noise exemption (at its regularly scheduled meeting on May 1, 2018, Council approved an exemption to the Noise By-Law requested by Queen's University that will permit the playing of amplified music at Richardson Stadium during Queen's varsity sporting events up to 15 occasions between 9:00 a.m. and 9:00 p.m., Monday to Sunday, including statutory holidays, between July 1, 2018 and June 30, 2019, and including September 2, the playing of amplified music until 10:30 p.m.). The questions and staff's responses are provided in detail under the Options/Discussion section of this report.

Staff is recommending that Council approve the Grenadiers' noise exemption request based on the distribution of dates for which the applicant is requesting permission to play amplified music - one day per weekend only - and based on confirmation from Queen's that only their staff will operate the stadium's sound system and that the same sound protocols in place for Queen's varsity sports events will be followed.

Recommendation:

That the Limestone District Grenadiers Football Club be granted an 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 1:00 p.m. and 9:00 p.m. on May 20 and 26, June 9 and 16, and if necessary, on July 7 and 14, 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:

Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Denis Leger, Commissioner, Corporate & Emergency Services	Not required

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Options/Discussion:

The Limestone District Grenadiers Football Club has applied for an exemption to the City of Kingston's Noise By-Law to play amplified music during stoppages in play in their club's scheduled games to be played at Richardson Stadium, located on Queen's University's West Campus, between 1 p.m. and 9 p.m. on the following dates: May 20 and 26, June 9 and 16, 2018 and on July 7 and 14, 2018, if any of the Grenadiers teams make the playoffs (Exhibit A).

Under the City of Kingston's Noise 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, all of which are planned for the Grenadiers games, 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 is not permitted under the by-law at any time in a residential area, and an exemption would therefore be required.

At its regularly scheduled meeting on May 1, 2018, Council approved an exemption to the Noise By-Law requested by Queen's University that will permit the playing of amplified music at Richardson Stadium during Queen's varsity sporting events up to 15 occasions between 9:00 a.m. and 9:00 p.m., Monday to Sunday, including statutory holidays, between July 1, 2018 and June 30, 2019, and including on September 2, the playing of amplified music until 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 March 6, 2018. The notice originally indicated that the noise exemption request would be considered by Council at its April 3, 2018 meeting. Subsequently, at the request of the applicant, their exemption request was deferred until the May 15th Council meeting.

Two objections were received to the public notice (Exhibit C). The persons objecting reside approximately 300 metres to the east and 1,000 metres to the north of Richardson Stadium respectively. The person residing 300 metres east of the stadium objected to the amplified music being played at any time. The person residing 1,000 metres to the north objected to amplified music being allowed after 7 p.m.

Staff discussed the objections received with the Grenadiers Football Club and they agreed to amend their request to play amplified music from 10 p.m. to end one hour earlier at 9 p.m. This aligns with the noise exemption currently approved for Queen's sporting events held at Richardson Stadium.

In addition to the two objections, staff received a series of questions from residents. A summary of those questions, along with staff's responses, and a response from Queen's University to questions that staff sought their input on, are detailed below.

Question: Could you please indicate if this request is above and beyond the Queen's University allowance for noise exemptions. I cannot recall but my recollection is that Queen's has a certain number of events they are able to exceed the noise by-law limitations at Richardson Stadium is that correct? Let's specifically indicate amplified music.

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City staff response: We can confirm that the noise exemption application submitted by the Limestone District Grenadiers Football Club for the playing of amplified music between stoppages in play at games played at Richardson Stadium is in addition to Queen's University's annual noise exemption for the playing of amplified music during games at Richardson Stadium any day of the week between 9 a.m. and 9 p.m. The Queen's exemption is for up to 15 occurrences per year.

Question: Is there a chance that a number of individual noise exemptions could add up to a significant cultural change for the residential properties surrounding West Campus fields and the stadium? Who monitors this and should there be an overall limit for the site?

City staff response: The noise exemption allowing Queen's to play amplified music during 15 sporting events per year (July 1st to June 30th) at Richardson Stadium is currently the only noise exemption for the stadium. The application for a noise exemption submitted by the Grenadiers Football Club requesting authorization to play amplified music during its football games would be for a minimum of 12 games played over 4 dates (3 games per date) with the possibility of a maximum of 6 additional games played over 2 additional dates (up to 3 per date) if all 3 team levels play the maximum of 2 playoff games per level. There has not been an overall limit to the number of exemption occurrences established for any one year period at Richardson Stadium.

Question: Are you able to provide me with the current Noise By-Law for the West Campus fields and Richardson Stadium as it is before exemption requests? Then perhaps an accounting of any other Noise By-Law exemptions that are requested or approved for 2018 including any requested by Queen's?

Staff response: The specific regulations pertaining to noise from organized sporting activities on sports fields can be found in Schedule 'B' of the by-law ([City of Kingston Noise By-Law](#)). As mentioned, to date, the only active noise exemption for Queen's West Campus Fields and Richardson Stadium is the 15 occurrences per year that amplified music is permitted to be played during Queen's sporting events at Richardson Stadium.

There are also two permanent noise exemptions in place for sporting activities at other locations, including:

1. St. Lawrence College at its sports field located at the corner of King Street West and Portsmouth Avenue, to permit noise from whistles beginning at 7:00 a.m., Mondays to Saturdays. This represents an exemption as it allows for the sounding of whistles one hour earlier than the current by-law permits. The remaining components of the exemption granted to St. Lawrence College subsequently became permitted under the revised version of the Noise By-Law.
2. Power Play Sports at its outdoor ball hockey rink located at 820 Gardiners Road, to allow for noise from buzzers from 9:00 a.m. to 9:00 p.m. Saturdays and Sundays, from 9:00 a.m. to 10:00 p.m. on Wednesdays and Fridays, and from 9:00 a.m. to 11:00 p.m. on Tuesdays and Thursdays, and between 9:00 a.m. and 11:00 p.m. on any day of the week up to a maximum of 6 days per calendar year, and to allow noise from whistles between

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10:30 p.m. and 11:00 p.m. on Wednesdays, Fridays, and on any other day of the week up to a maximum of 6 days per calendar year (must be combined with the additional 6 days per year exemption for buzzers) subject to the following conditions:

- a. The volume of the buzzer signal shall be kept at a reasonable sound level;
- b. The blowing of whistles and sounding of buzzers shall be limited to only what is necessary for the regulation of the hockey games;
- c. Banging of sticks and banging in the stands will be monitored by the centre and by the time keeper and will be kept to a minimum; and
- d. Power Play Sports provides the Manager, Licensing and Enforcement, 72 hours' notice before such an exemption is being utilized.

Question: As the owner of the property and manager of its usage does Queens have any cap or limit to exemption requests or have we defaulted back to conditions of until the neighbourhood pushes back against excessive noise on a case by case basis per exemption? Could collective usage see every night of the week for weeks in a row by a variety of users including Queen's as the exemptions are handled individually, but no one is monitoring the totality of the requests that noise has on the neighbourhood?

Staff response: We are not aware of any cap or limit Queen's may have regarding exemption requests pertaining to use of its sporting fields.

Queen's University provided the following response:

"As you are aware, Queen's currently has a noise by-law exemption for amplified music during stoppages of play at Richardson Stadium for up to 15 occurrences per year. These occurrences are used for Queen's athletics events, and so far in 2017-2018 the university has used nine of these occurrences.

When determining schedules for the Stadium, Queen's first priority is to accommodate Queen's athletics events. After that, Queen's will rent the stadium for other athletics events, such as community sports groups. At times, these groups will inquire about using the PA system to play amplified music during the stoppage of play, as is the case with the present request from the Grenadiers. When we receive these requests we review them carefully in the context of their potential impact on the neighbourhood based on the nature of the event, as well as on the intensity of use of the stadium based on the number and type of other events scheduled in proximity. There have been instances when Queen's has advised potential renters that amplified music will not be permitted at their event based on these neighbourhood considerations. We also decided not to permit music at one of Queen's own events when it was played the day immediately after an evening game.

When external groups do rent the stadium and are approved to use amplified music, these groups are required to agree to terms that align with our existing noise mitigation efforts. Any

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use of the stadium sound system must be done by Queen's Athletics & Recreation approved staff, to ensure that controls remain in place regarding duration, volume and type of amplified sound. When music is involved, we review the style and content of the music to make sure it is appropriate for a public event. In order to reduce the impact on the neighbourhood, we have a predetermined approved range of acceptable sound levels at the stadium, including a maximum that cannot be exceeded. In order to ensure sound controls are followed, outside sports groups are not allowed to operate the sound system themselves. Any use of the stadium sound system must be done only by Queen's Athletics & Recreation's trained and approved staff. We monitor and adjust sound based on factors such as attendance, weather, etc. (sound levels can vary depending on wind, rain, etc.). Our sound administrators and onsite Athletics & Recreation staff communicate regularly about sound levels during an event and adjust accordingly. There is also a prohibition on the use of air horns and other noisemakers by spectators. We inform all groups using the fields as to the importance of respecting the residential environment, and outline these requirements in all rental agreements.

When we do agree to rent the stadium to groups wishing to use amplified music, our current practice is to require that they seek their own exemption from the noise by-law. This practice aligns with what Queen's heard from the City and neighbours during consultations around previous by-law exemption requests as well as the recent review and amendment of the noise by-law. When external groups are required to seek their own noise by-law exemption, that gives neighbours the opportunity to provide input into each request, and also provides the elected members of City Council with the authority to either approve or not approve the request.

We understand the concern expressed in the question about the impact on neighbours and the anxiety that amplified music would be used at the stadium "every night of the week for weeks in a row." However, as described above, Queen's values its relationships with its neighbours and takes a conscientious approach to scheduling sporting events at Richardson Stadium. The way in which we have selectively used our PA system over the last two years demonstrates this.

Queen's current allotment of 15 occurrences for amplified music during stoppage of play is prioritized for Queen's own sports activities, but does not cover all of our football and soccer home games. If the City and neighbours living near the stadium felt that a different practice regarding amplified music for outside sports groups was preferable, such as granting Queen's a greater, but still limited, number of occurrences - which would then allow for external sports groups to use the stadium within a defined number of overall occurrences and subject to certain conditions (i.e. sports events) - we would be open to having those conversations. Regardless of the method, Queen's will continue to be conscientious and respectful of the impact of the neighbourhood when scheduling the field."

Question: A neighbour has queried the dates regarding Queen's exemptions. The question is essentially that if Queen's has 15 per season, can they use 6 remaining from the previous season for June and then a new 15 from the upcoming season to begin in July plus the Grenadiers 16 possible game exemptions (over 6 dates). Now we are talking something like 37 games within less than a six month period. Adding that even acoustic noise has also been known to be invasive to the neighbourhood with acoustic noise makers, roaring crowds and game or practice related shouts. I think your report to council should acknowledge that having

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the season split in June/July does allow this potential to stack exemptions of one year against the next and potentially point-loading June/July into the Fall of a single year. Should the split be Dec/Jan or should there be an upper limit of exemptions for the site?

Staff response: For the past several years, Council has approved an exemption for the playing of amplified music during Queen's University sporting events at Richardson Stadium to a maximum of 15 occurrences in the 12 month period between July 1 and June 30. One game equals one occurrence. The season for varsity sports played at Richardson Stadium accompanied by amplified music begins in August and ends in November. During May, June and July of 2017, no noise exemption occurrences were used by Queen's at Richardson Stadium; 2 occurrences were used in August, one in September, 3 in October and 3 in November. The request submitted by the Grenadiers Football Club represents a minimum of 12 occurrences (4 dates, with 3 games scheduled each day) between May and June, with the possibility of up to an additional 6 occurrences (2 dates, with up to 3 games scheduled each day) in July, should all three team levels qualify for all the playoff games.

Based on the distribution of dates for which the applicant is requesting permission to play amplified music, on the Sunday prior to Victoria Day and on 3, up to 5, subsequent Saturdays during May, June and July (months when Queen's does not schedule varsity sporting events that are accompanied by amplified music), and based on the administrative controls Queen's maintains for use of its sound system at Richardson Stadium when leased to a third party including requiring the same protocol as is followed for Queen's sports events, staff is recommending that Council approve the Grenadiers' noise exemption request.

In an effort to more efficiently manage requests for noise exemptions for sporting events at Richardson Stadium, staff will prepare an option(s) report for Council's future consideration that would establish a maximum number of annual occurrences for the playing of amplified music at Richardson Stadium. Under such an arrangement, Queen's University, as the owner of the stadium, could be allowed to decide how the annual allotment of occurrences would be used, including for their own varsity sports and for third parties that Queen's may lease the facility to. This approach would allow for Council to decide what an appropriate number of occurrences should be, taking into consideration the impact on neighbourhood residents.

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 March 6, 2018 and was posted on the City's website. The advertisement stated that anyone wishing to object to the exemption should deliver their

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concerns in writing or by email by 4:30 p.m. on March 16, 2018, to the Licensing and Enforcement Division.

Accessibility Considerations:

Not applicable

Financial Considerations:

The Grenadiers Football Club is required to pay an application for noise exemption fee of \$127.00 to help cover the cost of processing the noise exemption 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

Lacricia Turner, Manager, Licensing & Enforcement 613-546-4291 extension 3222

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

Exhibit C Responses to Public Notice



Limestone District Grenadiers Football

City of Kingston
Licensing and Enforcement Division
216 Ontario Street
Kingston, ON K7L 2Z3
Attention: Greg McLean

January 31, 2018

Dear Mr. McLean:

The Limestone District Grenadiers are a non-profit organization that offers youth football for U13 to U20 players in the Brockville-Kingston-Belleville corridor. We are housed at Richardson Stadium at Queen's University and as such, are requesting a noise by-law exemption for our home games. Our games will be held on the dates noted below, with game times at 1:00PM, 4:00PM and 7:00PM. Our games should end no later than 10:00PM. The type of noise that will be generated is occasional commentary via PA system (announcing of major sponsors approximately 8-10 times per game and significant plays only—not play-by-play commentary), small crowds of spectators cheering (100 to 200 spectators per game) as well as intermittent referee whistles will also occur throughout the game. We may also play the National Anthem prior to kick off at the three times noted above and have music between plays on the field.

We are requesting a noise by-law exemption for the following dates:

Sunday, May 20, 2018;
Saturday, May 26, 2018;
Saturday, June 9, 2018; and
Saturday, June 16, 2018.

And potential playoff games on:

Saturday, July 7, 2018; and
Saturday, July 14, 2018.

Thank you for your consideration in this matter.

Sincerely,

Alexandra Reyes-Walsh
Executive Director - Limestone District Grenadiers

Whig Standard Ad – March 6, 2018

Request for Noise Exemption: Grenadiers football games at Richardson Stadium

Requested *Noise Bylaw* exemption would allow intermittent amplified music at Richardson Stadium between 1pm and 10 pm, up to 6 occasions, May to July.

Details: CityofKingston.ca/news or call 613-546-0000.

Deadline to submit objection: 4:30 p.m. March 16.

City of Kingston website Public Notice - March 6, 2018

Request for Noise Bylaw Exemption – Grenadiers Football Games at Richardson Stadium

The Limestone District Grenadiers Football Club has made application for an exemption from the City's Noise Control By-law to allow for the playing of amplified music intermittently between stoppages in play during its football games at Richardson Stadium, located at Queen's University West Campus. The games are scheduled to start at 1 p.m., 4 p.m. and 7 p.m., with the last game ending no later than 10 p.m., on the following dates: Sunday, May 20, and on Saturdays, May 26, June 9, and June 16. Additionally, potential playoff games would be played on Saturday, July 7 and July 14.

The amplified music associated with these events, as described above, is not permitted at any time in residential areas, according to Section 4.2, under Schedule B of the City of Kingston's Noise Control By-Law Number 2004-52.

Anyone wishing to object to this exemption should deliver concerns in writing or by email by 4:30 p.m. on Friday, March 16, 2018 to:

City of Kingston
Greg McLean, licensing & enforcement
216 Ontario St.
Kingston, ON K7L 2Z3

Phone: 613-546-4291, extension 1336
Fax: 613-546-8347
Email: gmclean@cityofkingston.ca
Located at: 216 Ontario St.

This matter will be considered during the regular council meeting that commences at 7:30 p.m. on Tuesday, April 3, 2018.

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

Hello,

I would like to voice my objection to allowing intermittent amplified music at Richardson Stadium for the Grenadiers football games between May and July.

My objection is that having amplified music outdoors at sporting events at Richardson Stadium means that I and my neighbours who are within hearing range of Richardson Stadium are unable to avoid having to hear the music from these games, unless we are prepared to leave our homes. This music would play at a time of the year when our windows are open or we are outside in our yards.

I recognize that amplified music is part of many sporting events. However, spectators who attend sporting events indoors go knowing music will likely be played. They can choose not to attend.

Events held outdoors, on the other hand, have an impact on residents in the neighbourhood. We have not chosen to attend the event, and yet are asked to tolerate the noise of amplified music.

Music is not part of the sport. The game can be played without it.

My hope is that the City will allow amplified music - at limited volume - only during Queen's Varsity games as it is a Queen's facility. Asking for noise exemptions beyond these games subjects those in this neighbourhood to unwanted (and unnecessary) noise at times when we should be able to enjoy the outdoors. The Grenadiers are only one of a group asking for this exemption. Who knows how many others will follow?

Just a suggestion: why not encourage those in the stands to listen to music through their cell phones? That way, they get to hear what they want at the volume they like without imposing their music on others.

Also, I would think the City would be more sensitive in allowing unnecessary noises in neighbourhoods. Has a law not been recently been implemented granting police more power to fine individuals disturbing neighbourhoods with loud noise? Why should spectators (often young university and college students) not feel entitled to play music whenever they want and at their chosen volume when the City says amplified music is allowed at outdoor sporting events, music which impacts on others who do not necessarily want this noise.

Many noises outdoors, such as traffic, sirens of emergency vehicles, sounds of nature are a part of urban living and we expect to hear these. Amplified music at outdoor sporting events is not required to play the sport and is an unnecessary noise.

Thank you for your consideration.

Olga Oleinikow

█ Oakridge Ave

Email: █

Phone: █

Hoegi, LeighAnn

From: Mary Shaw <[REDACTED]>
Sent: March 7, 2018 2:55 PM
To: McLean, Greg
Subject: RE: Request for Noise Exemption - Grenadiers Football Games at Richardson Stadium

Follow Up Flag: Follow Up
Due By: March 7, 2018 4:00 PM
Flag Status: Flagged

I am a resident of Calvin Park, living less than 1 mile from Richardson Stadium. I object to any exemption to the noise bylaw which allows for the playing of amplified music intermittently between stoppages in play during football games at Richardson Stadium that would occur after the hours of 7pm.

Afternoon noise does not impact negatively on those who live close to the stadium when it occurs during the afternoon. However, evening enjoyment of our homes and yards is definitely impacted negatively. As it stands, we have to put up with this for Queens games, but I object to increasing usage of this type in that evening time frame.

Mary V. Shaw,
[REDACTED] Macpherson Avenue
Kingston, ON
K7M 6W4