



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

**Report No.: 12-160**

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**TO:** Mayor and Members of Council

**FROM:** Cynthia Beach, Commissioner, Sustainability & Growth

**RESOURCE STAFF:** Terry Willing, Director, Building & Licensing  
Greg McLean, Policy & Program Coordinator, Building & Licensing

**DATE OF MEETING:** June 19, 2012

**SUBJECT:** Request for Noise Exemptions – Queen’s University Orientation Week Events

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**EXECUTIVE SUMMARY:**

The Orientation Roundtable of the Alma Mater Society, Queen’s University, has made application for exemptions to the City’s Noise Control By-Law for four events:

1. Outdoor Spirit Event located at Tindall Field, 160 Union Street , on Wednesday September 5, 2012 from 8:30 p.m. until 11:00 p.m.;
2. Orientation Week Concert at the Miller Hall parking lot behind Miller Hall (36 Union Street, Queen’s Campus) on Friday, September 7, 2012 from 7:00 p.m. until 11:00 p.m. with sound testing from 12:01 p.m. to 7:00 p.m.;
3. Outdoor Rally event located at the Tindall Field, at 160 Union Street, on Saturday, September 8, 2012 from 9:00 a.m. until 12:00 noon with sound testing taking place from 7:30 a.m. until 9:00 a.m.; and
4. Outdoor Semi-formal located at the Agnes Benedickson Field, off 5<sup>th</sup> Field Company Lane, 43 University Ave., on Saturday, September 8, 2012, from 8:00 p.m. until 11:59 p.m. with sound testing taking place from 6:00 p.m. to 8:00 p.m.

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

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**RECOMMENDATION:**

**THAT** Queen's Alma Mater Society be granted an exemption from Schedule "B" of By-Law 2004-52, "A By-Law To Regulate Noise", to permit an outdoor spirit event located at Tindall Field, 160 Union Street, on Wednesday September 5, 2012 from 8:30 p.m. until 11:00 p.m.; and

**THAT** Queen's Alma Mater Society be granted an exemption from Schedule "B" of By-Law 2004-52, "A By-Law To Regulate Noise", to permit an Orientation Week concert at the Miller Hall parking lot behind Miller Hall (36 Union Street, Queen's Campus) on Friday, September 7, 2012 from 12:01 p.m. until 11:00 p.m. with sound testing to be conducted from 12:01 p.m. to 7:00 p.m. and the concert itself to take place from 7:00 p.m. to 11:00 p.m.; and

**THAT** Queen's Alma Mater Society be granted an exemption from Schedule "B" of By-Law 2004-52, "A By-Law To Regulate Noise", to permit an outdoor rally event located at the Tindall Field, 160 Union Street, on Saturday, September 8, 2012 from 7:30 a.m. until 12:00 noon with set up and sound testing to be conducted from 7:30 a.m. to 9:00 a.m. and the event to take place from 9:00 a.m. until 12:00 noon; and

**THAT** Queen's Alma Mater Society be granted an exemption from Schedule "B" of By-Law 2004-52, "A By-Law To Regulate Noise", to permit an outdoor semi-formal located at the Agnes Benedickson Field, off 5<sup>th</sup> Field Company Lane, 43 University Ave., on Saturday, September 8, 2012, from 6:00 p.m. until 11:59 p.m. with sound testing to take place between 6:00 p.m. and 8:00 p.m. and the concert to take place between 8:00 p.m. and 11:59 p.m.

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**AUTHORIZING SIGNATURES:**

ORIGINAL SIGNED BY COMMISSIONER _____ Cynthia Beach, Commissioner, Sustainability & Growth
ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER Gerard Hunt, Chief Administrative Officer

**CONSULTATION WITH THE FOLLOWING COMMISSIONERS:**

Lanie Hurdle, <i>Community Services</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

***(N/R indicates consultation not required)***

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**OPTIONS/DISCUSSION:**

The Orientation Roundtable of the Alma Mater Society, Queen's University, has made application for exemptions from the Noise Control By-law for four events:

1. Outdoor Spirit Event located at Tindall Field, 160 Union Street , on Wednesday September 5, 2012 from 8:30 p.m. until 11:00 p.m.,
2. Orientation Week Concert at the Miller Hall parking lot behind Miller Hall (36 Union Street, Queen's Campus) on Friday, September 7, 2012 from 7:00 p.m. until 11:00 p.m. with sound testing from 12:01 p.m. to 7:00 p.m.,
3. Outdoor Rally event located at the Tindall Field, 160 Union Street, on Saturday, September 8, 2012 from 9:00 a.m. until 12:00 noon with sound testing taking place from 7:30 a.m. until 9:00 a.m., and
4. Outdoor Semi-formal located at the Agnes Benedickson Field, off 5<sup>th</sup> Field Company Lane, 43 University Ave., on Saturday, September 8, 2012, from 8:00 p.m. until 11:59 p.m. with sound testing taking place from 6:00 p.m. to 8:00 p.m.

An exemption in each case is necessary because the amplified noise associated with these events is not permitted at any time in residential areas.

In 2011, Council granted noise exemptions for Orientation Week events. No complaints were received arising from these events.

In response to an advertisement of this request for exemption placed on the City Page in the Kingston Whig-Standard, listed as Exhibit 'A' to this report, and a public notice posted on the City of Kingston's website, staff did not receive any objections to this request.

As part of the planning for this year's events, organizers have indicated that they once again liaised with and obtained support from Kingston General Hospital and a local neighbourhood action group.

For the concert on Friday, September 7 in the Miller Hall parking lot, volunteers will be sent out into the surrounding community to check sound levels, and adjustments to the sound levels will be made throughout the event, if necessary. Event organizers will also provide City By-Law Enforcement and Kingston Police with a contact during the events to allow for any issues or complaints that may arise to be communicated directly to them.

Considering that no noise complaints were received following the 2011 Orientation Week events and that the event organizers have indicated their intention to repeat the measures taken last year to mitigate the impact of the events on the neighbouring community, staff is recommending approval of these noise exemption requests.

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**EXISTING POLICY/BY LAW:**

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

**NOTICE PROVISIONS:**

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.

An advertisement of this request for exemptions was placed on the City Page in the Kingston Whig-Standard on April 24, 2012 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 e-mail by 4:30 p.m. on Friday, May 11, 2012, to the Manager of Licensing and Enforcement. There were no objections received to this request.

**ACCESSIBILITY CONSIDERATIONS:**

This report is available in alternate format upon request.

**FINANCIAL CONSIDERATIONS:**

A \$106 fee was received to help cover the cost of processing noise exemption requests. Queen's AMS paid for the notice in the newspaper.

**CONTACTS:**

Kim Leonard, Manager, Licensing & Enforcement	613-546-4291 ext. 3222
Greg McLean, Policy & Program Coordinator	613-546-4291 ext. 1336
Terry Willing, Director, Building & Licensing	613-546-4291 ext. 3240
Dimitri Tchebotarev, Orientation Roundtable Coordinator	613-533-6000 ext. 74819
Alma Mater Society, Queen's University	

**OTHER CITY OF KINGSTON STAFF CONSULTED:**

Brian Fleming, Kingston City Police	613-549-4660
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**EXHIBITS ATTACHED:**

Exhibit "A" – Kingston Whig Standard Advertisement

**ADVERTISEMENT IN THE KINGSTON WHIG STANDARD – APRIL 24, 2012**

**Request for Noise Exemptions – Queen's University  
Orientation Week Concert**

The Orientation Roundtable of the Alma Mater Society, Queen's University, on behalf of the Arts and Science Undergraduate Society Orientation Week, has applied for an exemption to the Noise Control By-Law for the purpose of an outdoor spirit event located at Tindall Field, 160 Union Street. This event will take place from 8:30 p.m. until 11:00 p.m. on Wednesday September 5, 2012.

The Orientation Roundtable of the Alma Mater Society, Queen's University has also made application for an exemption to the Noise Control By-Law for the purpose of the Orientation Week Concert, at the Miller Hall parking lot behind Miller Hall (36 Union Street, Queen's Campus) from 12:01 p.m. until 11:00 p.m., Friday, September 7, 2012. It is proposed that sound testing be conducted from 12:01 p.m. to 7:00 p.m. and that the concert itself will take place from 7:00 p.m. to 11:00 p.m.

The Orientation Roundtable of the Alma Mater Society, Queen's University, on behalf of the Arts and Science Undergraduate Society Orientation Week, has also applied for an exemption to the Noise Control By-Law for the purpose of an outdoor rally event located at the Tindall Field, at 160 Union Street. Set-up and sound testing will take place from 7:30 a.m. until 9 a.m. on Saturday, September 8<sup>th</sup> and the event will follow from 9 a.m. until 11:59 a.m.

The Orientation Roundtable of the Alma Mater Society, Queen's University, on behalf of the Arts and Science Undergraduate Society Orientation Week, has also applied for an exemption to the Noise Control By-Law for the purpose of an outdoor semi-formal located at the Agnes Benedickson Field, off 5th Field Company Lane, 43 University Ave. 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. on Saturday, September 8, 2012.

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

Anyone wishing to object to this exemption should deliver their concerns in writing or by e-mail by 4:30 p.m. on Friday, May 11, 2012 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, June 19, 2012.

**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