



CITY OF KINGSTON
REPORT TO COUNCIL

Report No.: 12-088

TO: Mayor and Members of Council

FROM: Cynthia Beach, Commissioner, Sustainability & Growth

RESOURCE STAFF: Terry Willing, Director, Building & Licensing
Kim Leonard, Manager, Licensing & Enforcement

DATE OF MEETING: April 3, 2012

SUBJECT: Noise Exemption Request – Kingston Congregations of Jehovah’s Witnesses

EXECUTIVE SUMMARY:

Kingston Congregations of Jehovah's Witnesses has applied for an exemption to the Noise Control By-Law 2004-52 Schedule “B” for the purpose of allowing volunteers to construct a new Kingdom Hall (place of worship) at 115 Joyce Street. The applicant has requested the exemption between 8:00 a.m. and 7:00 p.m. on Sundays and on Statutory Holidays for a maximum of 15 days commencing on April 15, 2012, and ending on November 4, 2012. Tradesmen and skilled labourers volunteering to assist with this project are drawn from 1683 volunteers who come from across Eastern Ontario. The majority of the volunteers work throughout the week and therefore are only available to assist with construction on the weekends and holidays. 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.

RECOMMENDATION:

THAT Kingston Congregations of Jehovah's Witnesses be granted an exemption to the Noise Control By-Law 2004-52 Schedule “B” for the purpose of allowing volunteers to construct a new Kingdom Hall (place of worship) at 115 Joyce Street between the hours of 8:00 a.m. and 7:00 p.m. on Sundays and on Statutory Holidays, commencing on April 15, 2012, and ending on November 4, 2012; and;

THAT this activity be permitted only for 15 days during the exemption period and that the applicant provides the Manager, Licensing and Enforcement Division, 72 hours notice before the exemption is being utilized.

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AUTHORIZING SIGNATURES:

<u>ORIGINAL SIGNED BY COMMISSIONER</u> Cynthia Beach, Commissioner, Sustainability & Growth
<u>ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER</u> Gerard Hunt, Chief Administrative Officer

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Lanie Hurdle, <i>Community Services</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)

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OPTIONS/DISCUSSION:

The Kingston Congregations of Jehovah's Witnesses has made application for an exemption to the Noise Control By-Law for selected days between April 15 and November 4, 2012, for the purpose of allowing volunteers to construct a new Kingdom Hall (place of worship) at 115 Joyce Street.

For the past 30 years, Jehovah's Witnesses have been known for their "Two-Day Quick-Build" method of construction using skilled volunteer labour. Due to improved safety and quality initiatives, construction now takes a bit longer but the key element of using only volunteer labour has not changed. In the past year 10 new Kingdom Halls were built across Canada and 50 were renovated in such a manner.

The Kingston project can only be made possible with the assistance of key resources drawn from 1683 registered volunteers who come from all over Eastern Ontario. Most of the volunteers drive considerable distances to assist with these projects. The tradesmen and skilled labourers work full-time jobs during the week and therefore they are only available to volunteer on weekends. Most volunteers are only able to come for one weekend to complete their task. Making the best use of the volunteers' time is essential to the successful and timely completion of the project. Allowing volunteers to work on Sunday's and Statutory Holidays will also greatly reduce the total length of time needed to fully complete the project thereby reducing the length of the disruption to the neighbourhood.

Representatives from Kingston Congregations of Jehovah's Witnesses have spoken with some of the neighbours who live around the construction site. Those neighbours that they have spoken to have been enthusiastic about the project and the improvement they feel it will bring to the community. Kingston Congregations of Jehovah's Witnesses would like to maintain this relationship and therefore a timely completion of the construction phase of this project is very important to them.

Staff received one objection as a result of public consultation. The objector indicated that they live very close to the construction site and that they will hear all of the noise associated with the project. In addition, they noted that they were also disrupted by the noise of the construction on Highway 401 in recent years and that they would prefer to have at least one day a week of quiet. By-Law Enforcement did not receive any complaints about the construction noise on the 401 from the objector. Kingston Congregations of Jehovah's Witnesses' normal practice and tradition throughout the project is to allocate Monday to Wednesday to be generally quieter days with little or no construction work planned. By limiting construction from Monday to Wednesday it helps alleviate the constancy of the noise possibly created by the project, and this should help to address the objector's concerns.

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EXISTING POLICY/BY LAW:

Council has granted exemptions to the Noise Control By-Law for construction activities such as high rise apartments and road construction in the past, and the authority to do so is specifically granted to Council under Subsection 129 (3) of the *Municipal Act*. However, there is no approved exemption on file that would allow for construction all day Sunday and on Statutory Holidays for a building of this type. Most exemptions have been approved for after hours between Monday and Saturday.

NOTICE PROVISIONS:

An advertisement of this request for exemption was placed in the Kingston Whig Standard on Tuesday, February 7, 2012 and is attached hereto as Exhibit "A". There has been one objection submitted to this request.

ACCESSIBILITY CONSIDERATIONS:

None

FINANCIAL CONSIDERATIONS:

A \$106 fee was received to help cover the cost of processing noise exemption requests. There are no other financial considerations because the advertisement was placed at the expense of Kingston Congregations of Jehovah's Witnesses.

CONTACTS:

Kim Leonard, Manager, Licensing & Enforcement	613-546-4291 ext. 3222
Terry Willing, Director, Building & Licensing	613-546-4291 ext. 3240
Cynthia Beach, Commissioner, Sustainability & Growth	613-546-4291 ext. 1150

OTHER CITY OF KINGSTON STAFF CONSULTED:

N/A

EXHIBITS ATTACHED:

Exhibit "A" - Public Notification for Application of Noise Exemption

ADVERTISEMENT IN THE KINGSTON WHIG STANDARD – FEBRUARY 7, 2012

**Request for Noise Exemption – Kingston Congregations of Jehovah’s Witnesses
– Construction of new Kingdom Hall – 115 Joyce Street**

Kingston Congregations of Jehovah's Witnesses has applied for an exemption to the Noise Control By-Law 2004-52 Schedule "B" for the purpose of allowing volunteers to construct a new Kingdom Hall (place of worship) at 115 Joyce Street, Kingston. The applicant has requested the exemption between 8:00 a.m. and 7:00 p.m. on Sundays and on Statutory Holidays for a maximum of 15 days commencing on April 15, 2012 and ending on November 4, 2012.

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 February 17, 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, April 3, 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.