



CITY OF KINGSTON
REPORT TO COUNCIL

Report No.: 12-026

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: January 10, 2012
SUBJECT: Noise Exemption Request – Howe Island Mainland Ferry Terminal

EXECUTIVE SUMMARY:

The Ministry of Transportation has made application for an exemption to Schedule “B” of By-Law No. 2004-52, “A By-Law to Regulate Noise”, for the purpose of rehabilitation of the Howe Island Ferry Transfer Bridges. The work will be performed for the Ministry’s Howe Island ferry in the Township of Frontenac Islands; however work is required on the mainland terminal which is located within the boundaries of the City of Kingston at the southerly terminus of the Howe Island Ferry Road.

The applicant has requested that the exemption cover operations between the hours of 7:00 p.m. and 7:00 a.m. for a maximum of 10 days between March 1, 2012 and May 15, 2012 but does not include any Sundays or Statutory Holidays. The current City of Kingston 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.

This work is the second part of a project that also involved the Wolfe Island ferry transfer bridges for which a noise exemption was approved by City Council and the project has been completed. There have been no unresolved objections submitted to this request in response to the public notice.

RECOMMENDATION:

THAT The Ministry of Transportation be granted an exemption from the normal 7:00 p.m. to 7:00 a.m. restriction under the City of Kingston Noise Control By-Law 2004-52 Schedule “B”, in order to allow for rehabilitation of the Howe Island Ferry mainland terminal located at the

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southerly terminus of the Howe Island Ferry Road between the hours of 7:00 p.m. and 7:00 a.m. between March 1, 2012 and May 15, 2012 excluding Sundays and Statutory Holidays. And;

THAT this activity be permitted only for 10 days during the exemption period and that the applicant provides the Manager, Licensing and Enforcement Division, 48 hours notice before the exemption is being utilized.

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 & Emergency Services</i>	N/R
Jim Keech, <i>President and CEO, Utilities Kingston</i>	N/R

(N/R indicates consultation not required)

OPTIONS/DISCUSSION:

The purpose of a ferry transfer bridge is to provide a height adjustable ramp that is lowered onto the ferry vessel’s deck upon docking to allow vehicles and walk-on passengers safe and secure boarding/disembarking. When boarding is completed, the ramp is lifted from its position on the ferry’s deck before the vessel leaves the terminal. The work at both the mainland and Howe Island ferry terminals involves rehabilitation of the steel ramp and steel lifting tower through replacement of selected components. In order to minimize impacts to the travelling public, it is proposed that the work be undertaken through a series of night time closures in spring 2012, with service restored each morning. The work is proposed from 7:00 p.m. until 7:00 a.m. for up to 20 days (10 on the mainland in Kingston, and 10 on Howe Island) between March 1 and May 15, 2012. The work will not occur on Sundays or Statutory Holidays. The distance between the mainland ferry terminal and the nearest dwelling in Kingston is approximately 200m.

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During the construction activities, the primary sources of noise will include construction vehicles, equipment and activities associated with construction

The proposed work will be undertaken by a contractor hired through a tendering process. Since the rehabilitation is relatively minor in nature and there is no grading or paving, there will be no haul routes from quarries or asphalt plants associated with this project.

The standard Ministry of Transportation construction noise constraint will be included in the contract for this work with specifics about the By-Law exemption, and is attached as Exhibit "B".

EXISTING POLICY/BY LAW:

In 2009 Council granted the Ministry of Transportation an exemption from the normal 7:00 p.m. to 7:00 a.m. restriction for the same type of work at the Barrack Street Terminal between November 21st and December 5th, 2009 for 9 consecutive days and involved 24 hour operations including Saturday and Sunday. The exemption did not permit for more than 5 week days from Monday to Friday and was not to overlap with any Statutory Holiday.

NOTICE PROVISIONS:

An advertisement of this request for exemption was placed in the Kingston Whig Standard on November 29, 2011 and is attached hereto as Exhibit "A". There have been no unresolved objections submitted to this request.

Council has granted exemptions to the Noise Control By-Law for this type of construction in the past, and the authority to do so is specifically granted to Council under Subsection 129 (3) of the *Municipal Act*.

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 advertisements were placed at the expense of The Ministry of Transportation.

CONTACTS:

Kim Leonard, Manager, Licensing & Enforcement

613-546-4291 ext. 3222

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OTHER CITY OF KINGSTON STAFF CONSULTED:

N/A

EXHIBITS ATTACHED:

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

Exhibit "B" - Ministry of Transportation – Construction Noise Constraints

ADVERTISEMENT IN THE KINGSTON WHIG STANDARD – NOVEMBER 29, 2011

**Request for Noise Exemption – Ministry of Transportation
Noise Exemption – Howe Island Mainland Ferry Terminal**

The Ontario Ministry of Transportation has applied for an exemption to the Noise Control By-Law 2004-52 Schedule "B" to permit rehabilitation work on the ferry transfer bridge at the mainland Howe Island ferry terminal, located at the southerly terminus of the Howe Island Ferry Road. The applicant has requested the exemption from 7:00 p.m. until 7:00 a.m. for a maximum of ten day days between March 1, 2012 and May 15, 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 December 9, 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, January 10, 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.

**Construction Noise Constraints
Special Provision No. 199F33
Noise Sensitive Areas**

This special provision covers the requirements for control of construction noise produced by the Contractor's operations. With the exception of any exemptions from municipal noise control bylaws that may be indicated elsewhere in the Contract, these requirements do not relieve the Contractor of other obligations imposed by statute or by municipal bylaw.

Noise constraints in noise sensitive areas are as follows:

Noise Limits	
Constraint	Constraint Details
Equipment Maintenance	Equipment shall be maintained in an operating condition that prevents unnecessary noise, including but not limited to non-defective muffler systems, properly secured components, and the lubrication of moving parts.
Equipment Operation	Idling of equipment shall be restricted to the minimum necessary to perform the specified work.
Local Noise Bylaws	The City of Kingston has a noise by-law that prohibits construction activities between 7 pm and 7 am as well as on Sundays and Statutory Holidays. All work must respect the requirements stipulated in the by-law and the terms of the bylaw exemption granted by the City of Kingston and included in the contract.