



**City of Kingston
Report to Administrative Policies Committee
Report Number AP-17-005**

To: Chair and Members of the Administrative Policies Committee
From: Lanie Hurdle, Commissioner, Community Services
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: December 7, 2016
Subject: Review of Noise By-Law – Supplementary Report

Executive Summary:

At its September 8, 2016 meeting, the Administrative Policies Committee deferred Report Number AP-16-005, Review of Noise By-Law. The deferral reads as follows:

“That the Review of Noise By-Law be deferred for the purpose of inviting input from the public with focus on residents living near sports field with an understanding that staff return to the Committee before the end of 2016.”

In response to the Committee’s direction, staff conducted additional public consultation regarding the changes proposed in Report Number AP-16-005, pertaining specifically to how noise from organized sporting activities on sports fields is regulated. The consultation included hosting a public open house on November 7, 2016 at Portsmouth Olympic Harbour and inviting the general public to submit comments to staff via email or mail between October 19 and November 10, 2016. Staff also met with two residents of a neighbourhood adjacent to Queen’s West Campus sports fields.

Staff have reviewed the input received at the public open house and through written correspondence. Based on the feedback received, staff continues to support the changes as originally proposed in Report Number AP-16-005 and the proposed amendments to Noise By-Law Number 2004-52 contained in Exhibits E and F to Report Number AP-17-005.

Recommendation:

That it be recommended to Council that the draft by-laws attached as Exhibit D, Exhibit E and Exhibit F to Report Number AP-17-005 to amend By-Law Number 2004-52, A By-Law to Regulate Noise, as amended, be approved.

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Options/Discussion:

At its September 8, 2016 meeting, the Administrative Policies Committee deferred Report Number AP-16-005, Review of Noise By-Law (Exhibit A). The deferral reads as follows:

“That the Review of Noise By-Law be deferred for the purpose of inviting input from the public with focus on residents living near sports field with an understanding that staff return to the Committee before the end of 2016.”

In response to the Committee’s direction, staff conducted additional public consultation regarding the changes proposed in Report Number AP-16-005, specifically pertaining to how noise from organized sporting activities on sports fields is regulated. The consultation included hosting a public open house on November 7, 2016 at Portsmouth Olympic Harbour and inviting the general public to submit comments to staff via email or mail between October 19 and November 10, 2016. Staff also held a meeting with two residents of the neighbourhood just east of the Queen’s West Campus sports fields.

Notification of the public open house was published in The Kingston Whig-Standard on October 18, 2016 and was posted on the City’s website. In addition, a letter (Exhibit B) was mailed to approximately 2,000 addresses of properties located within a 120 metre radius of 25 selected sports fields across the City. The letter notified residents of the Public Meeting and of the email and mailing address to send comments to staff. Neighbourhood associations with sports fields located within their communities were also provided this information by email.

Approximately 35 people attended the public open house and 65 comments were received via email and mail, including some from attendees at the open house. Staff reviewed the changes proposed in Report Number AP-16-005 as to how noise from organized sporting activities on sports fields should be regulated, including the sounding of whistles, the amplification of voices and sound, and vocalizing by participants and spectators during the open house.

The proposed changes are as follows:

- Permit noise from whistles when used to control organized sporting activities at a sports field between 8:00 a.m. and 10:30 p.m. each day of the week in both Residential Areas and Other Areas.
- Permit noise from the amplification of voices or sound for the purposes of playing the national anthem(s) and intermittent game-related PA announcements during organized sporting activities at a sports field between 8:00 a.m. and 10:30 p.m. each day of the week in “Residential Areas” and starting at an hour earlier (at 8:00 a.m.) on Sundays in “Other Areas”.
- Permit noise from yelling, shouting, hooting, whistling or singing during organized sporting activities at a sports field for an extra 90 minutes until 10:30 p.m. in Residential Areas and to start an hour earlier on Sundays (at 8:00 a.m.) in both “Residential Areas” and “Other Areas”.

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The input received at the public open house and through written correspondence, including previous comments received by email and mail specifically addressing noise from sports fields, is attached as Exhibit C. Results of the April 2016 survey questions pertaining to noise from sports fields can be found on pages 35-36 and pages 42-55 of Report Number AP-16-005, attached as Exhibit A to Report Number AP-17-005.

The November 2016 consultations generated feedback from across the City, including residents living adjacent to the following sports fields: Woodbine Park, Jim Beattie Park, LaSalle Park, Cloverdale Park, Megaffin Park, Garrigan Park, Pierson Park, McCullough Park, Saint Lawrence College, Queen's University West Campus fields including Richardson Stadium, the Power Play Centre, and high schools including Bayridge, LaSalle, L.C.V.I., and Holy Cross, and from the principals of two high schools and a representative of the Kingston and Area Secondary Schools Athletic Association (KASSAA), a representative of the Sydenham District Association, and representatives from Saint Lawrence College and Queen's University.

The feedback can be summarized as follows:

A majority of respondents were supportive of the proposed changes, or expressed concern that the exemption in effect for City sports fields, was at risk of not being retained. Reasons cited included that the proposed regulations provided for a "balanced, uniform standard" between City operated sports fields and those fields on private property; promoted physical activity; that they maximized the use of the fields and provided the opportunity for additional scheduling of sporting activities; that it was appropriate for sports fields to be located next to residential zones; and that the noise from sporting activities either did not bother them or that the sounds were enjoyable to hear. Examples were provided where the existing regulations governing noise on private sports fields did not accommodate the needs of some tournament organizers or for some specific games, with the result that the events could not be hosted at these fields. From those who did support the proposed changes, there was some criticism expressed regarding the playing of loud music at sports fields, including before games at Megaffin Park.

Of those respondents who were not supportive of the proposed changes, a few objected to permitting noise from whistles either at any time or until 10:30 p.m., while more objected to permitting yelling, shouting, hooting, whistling and singing an extra 90 minutes to 10:30 p.m. Examples were cited of screaming and loud swearing at particular sports field locations. The focus of most of the concern however, related to the proposed change to permit amplified sound in the form of intermittent game related P.A. announcements between 8 a.m. and 10:30 p.m. Objection to this type of noise included that it should not be permitted at all or at least not until 10:30 p.m., to concerns that there would be no controls over the volume of the amplified sound, or the frequency of occurrences, or to the nature of the P.A. announcements, i.e. the impact of a "running play by play" style commentary as is sometimes heard from the BMX track at the City's Woodbine Park. A concern with noise from sports fields generally was that it negatively impacted residents' enjoyment of their backyards, and if it was permitted until 10:30 p.m., this would disrupt children's sleep. A comment was made that the City should continue managing noise from sports fields through the issuance of temporary exemptions, with a requirement that they be renewed annually.

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Suggestions provided by residents to mitigate the impact of P.A. announcements include limiting the number of occurrences per week, prohibiting “running play by play” style commentary, that heavily used fields should require more sound mitigation measures, or revoking the right to play P.A. announcements at a sports field locations if there is a history of complaints registered regarding amplified sound “that are not adequately rectified”.

In the changes proposed in Report Number AP-16-005, the concern regarding the amplification of sound for the purpose of P.A. announcements is addressed by adding a condition requiring that the volume not exceed the minimum level required to be clearly audible to persons at a sports field.

Residents may still lodge complaints of noise from sports fields prior to 10:30 p.m. if the noise constitutes a violation (i.e. if the P.A. announcements were considered louder than what was required to be audible at the sports field, or the announcements were not intermittent but instead amounted to continuous play by play commentary, or if the yelling, etc. was not related to the organized sporting activity).

Based on the feedback received from this latest round of public consultation, staff continues to support the changes proposed in the September 8th report, Report Number AP-16-005, and to the proposed amendments to the Noise By-Law 2004-52 contained in Exhibits E and F.

It has also been brought to staff’s attention by a representative of the residents of Frontenac Condominium Corporation #28, located at 1000 King Street, that the properties known as 1000, 1032, 1066 and 1098 King Street West are designated as an “Other Area” on the map found in Schedule D to Noise By-Law 2004-52. These properties are all now built out as condominiums.

Staff agrees that these properties should be re-designated as a “Residential Area” in the context of the Noise By-Law. Conversion from “Other Area” to “Residential Area” requires an amendment to Schedule D of the Noise By-Law. Staff recommends that the adjacent parcels of land known as 1102, 1106 and 1110 King Street West, commonly known as the Kingston Grain Elevator, should remain designated as an “Other Area” pending development as residential use, at which time staff would propose to Council that the map be amended to change the designation to “Residential Area”.

Existing Policy/By-Law:

By-Law Number 2004-52 A By-Law to Regulate Noise

Notice Provisions:

Notification of the public open house was published in The Kingston Whig-Standard on October 18, 2016 and was posted on the City’s website. In addition, a letter was mailed to approximately 2,000 addresses of properties located within a 120 metre radius of 25 selected sports fields across the City notifying residents of the public meeting and of the email and mailing address to send comments to staff. Neighbourhood associations with sports fields located within their communities were also provided this information by email.

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Accessibility Considerations:

Not applicable

Financial Considerations:

Not applicable

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 Report Number AP-16-005 Noise By-Law Review

Exhibit B Letter to Addresses Near Sports Fields

Exhibit C Comments from Public Meeting and Correspondence Received

Exhibit D Amending By-Law - Schedule D to By-Law Number 2004-52

Exhibit E Amending By-Law – General to By-Law Number 2004-52

Exhibit F Amending By-Law - Schedule B to By-Law Number 2004-52



**City of Kingston
Report to Administrative Policies Committee
Report Number AP-16-005**

To: Chair and Members of the Administrative Policies Committee
From: Lanie Hurdle, Commissioner, Community Services
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: September 8, 2016
Subject: Review of Noise By-Law

Executive Summary:

Staff have conducted a review of the City's Noise By-Law which was last reviewed when the by-law was harmonized in 2004. The by-law was identified by staff for review as a result of issues arising from administering and enforcing its regulations, a Council approved motion from the Environment, Infrastructure and Transportation Policies Committee, and changes in the community itself. Staff consulted with stakeholder groups including Kingston's development and construction industry, owners of sports fields and the general public as well as other municipalities to determine best practices. Staff are proposing amendments to the by-law; some amendments relate to policy and others are regarded as housekeeping in nature.

The policy related changes being proposed by staff include:

1. Adding and revising definitions to provide additional clarity;
2. Revising the reference to the provincial legislation under the Offence and Penalty Provisions section from the *Provincial Offences Act* to the *Municipal Act*, to allow for increased maximum fine amounts for violations of the noise by-law;
3. Adding an obstruction clause to the by-law, making it an offence to obstruct or hinder a Provincial Offences Officer or other authorized employee or agent of the City in the exercise of a power or the performance of a duty under the by-law;
4. Removing the regulations pertaining to noise from the operation of a vehicle's engine as this activity is currently regulated under the City's Idling By-Law, which is more restrictive, including shorter time limits and fewer exemptions;

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5. Delegating the authority to the Manager of Licensing and Enforcement to grant noise exemptions during the times when construction activity is prohibited, for the purpose only to permit the pouring, saw-cutting and finishing of concrete, until 2300 hours (11:00 p.m.), one day per week, excluding Sundays and Statutory Holidays;
6. Delegating the authority to the Manager of Licensing and Enforcement to permit construction activity and the operation of construction equipment between 1900 hours (7:00 p.m.) and 2100 hours (9:00 p.m.), one day per week, excluding Saturdays, Sundays and Statutory Holidays;
7. Adding an additional clause to the by-law noting that exemptions approved by the Manager of Licensing and Enforcement under delegated authority for construction activity and the operation of construction equipment in connection with construction will be in effect for the dates specified, and that the Manager of Licensing and Enforcement may impose any conditions that he or she considers appropriate to minimize the impacts on residents as it relates to extended hours of construction;
8. Adding a separate regulation permitting the sounding of whistles between 0800 hours and 2230 hours (10:30 p.m.) when used to control organized sporting activities at a sports field;
9. Adding a separate regulation permitting the amplification of voices or sound for the purposes of playing the national anthem and intermittent game-related PA announcements during organized sporting activities at a sports field in a Residential Area between 0800 hours and 2230 hours (10:30 p.m.);
10. Adding a separate regulation to expand the hours when yelling, shouting, hooting, whistling and singing is permitted during organized sporting activities at a sports field;
11. Adding a separate regulation permitting private haulers to pick up and compact garbage in the Downtown Kingston Business Improvement Area beginning at 0600 hours; and
12. Permitting fireworks to be set off on specific days of the year and between specific times.

This report also provides staff's response to a Council Motion, dated June 3, 2014, regarding the regulation of noise from buildings' mechanical systems. The motion directed staff to "investigate the best practices in Ontario for controlling, regulating, or otherwise legislating maximum (and therefore acceptable) levels of building ambient noise (noting how standards may vary according to the community) and with specific regard for the different areas within Kingston that may require different standards, such as rural, residential, downtown business/industrial, and recreational lands/parklands/waterfront shorelines or walkways", and to report as to what the best practices are in other Ontario municipalities, and recommend a course of action for Kingston. Based on the research conducted, staff is recommending retaining the qualitative approach to noise enforcement. For complaints received concerning noise from stationary sources including a building's mechanical systems, staff would follow a best practice approach as outlined in this report.

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Recommendation:

That the draft by-laws attached as Exhibit E and Exhibit F to Report Number AP-16-005 be presented to Council to amend By-Law Number 2004-52, A By-Law to Regulate Noise, as amended.

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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

Jim Keech, President and CEO, Utilities Kingston

Desiree Kennedy, Chief Financial Officer & City Treasurer

Not required

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Options/Discussion:

The City of Kingston's Noise By-Law was harmonized in 2004. In the last 11 years, the by-law has been amended twice: 1. on February 27, 2007 to remove the operation of construction equipment for the removal of snow as a prohibited activity from 2300 hours (11:00 p.m.) of one day to 0700 hours of the next day, 0900 hours Sundays; 2. on March 22, 2011 to revise the map under Schedule D – 'Designated Residential Areas' to convert the property at 1560 Abbey Dawn Road (Myles Acres) from a "Residential Area" designation to an "Other Area" designation.

In addition to the above amendments, Council has approved a number of permanent and temporary exemptions to various sections of the noise by-law. Permanent exemptions (Exhibit A) include the use of game whistles and buzzers at the Power Play Centre (an outdoor ball hockey rink located at 820 Gardiners Road), the use of whistles at a St. Lawrence College sports field, the making of deliveries to the Beer Store location on Cataraqui Street beyond the permitted times, and the playing of amplified music from an ice cream truck in residential areas. Temporary exemptions (Exhibit B) include the use of game whistles and the amplification of game announcements and the playing of the national anthem at Queen's West Campus sports fields, and the use of game whistles, the amplification of game announcements, and the playing of the national anthem and music at Queen's Richardson Stadium. In addition, a total of ten temporary exemptions have been granted to construction companies for concrete sawing and cutting. Annual exemptions have also been granted for Queen's Orientation Week events, several exemptions for short term events, and for overnight construction work for the Ministry of Transportation on Highway 401 and for projects associated with the ferry terminals.

Exhibit C contains noise by-laws from other communities.

The general public and stakeholders were consulted to gather input on the regulations that had been identified as either too restrictive or not restrictive enough. A copy of the current by-law was provided during the consultation process to allow the public and stakeholders to identify and comment on regulations that may also be of concern. Meetings were held with the home builders and construction industry, and with owners of sports fields.

Public input was sought through various avenues including an online chat, an online survey, and two public meetings held on October 29, 2015 and April 6, 2016. Coinciding with the second public meeting, the general public was also provided an opportunity between March 30 and April 8 to comment on staff's proposed changes to the Noise By-Law by letter and email. The opportunities for public input on the noise by-law review were communicated via the City's web page, Director's blog, newspaper advertisements, and through Facebook and Twitter. The first public meeting was not well attended; the second public meeting drew approximately 25 attendees. There were 1,651 clicks on Facebook and 458 people responded to all or portions of the online survey. Queen's University and St. Lawrence College provided a joint submission regarding the regulations as they apply to the use of whistles and amplified sound for sporting events and they are seeking consistency with Municipal field operations. Cruickshank Construction has also submitted a written request for consideration of extended working hours for publicly funded work and they also are seeking consistency with Municipal operations. All

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public input that has been received as part of the public consultation is attached to this report as Exhibit D.

Staff are proposing amendments to the by-law (Exhibits E and F) based on input during the consultation process from stakeholders and the general public, and on best practices in other municipalities. Some proposed amendments are related to policy and others are housekeeping in nature.

The following changes are deemed housekeeping in nature:

1. Update the name of the organizational units responsible for administering the noise by-law to the “Licensing and Enforcement Division” within the “Planning, Building and Licensing Services Department”, to reflect organizational changes;
2. Revise the title of the map under Schedule D from “Designated Residential Areas” to “Designated Residential Areas and Other Areas”;
3. Remove the text “Reserved (By-Law Number 2004-52; 2007-51)” under Schedule B, Activity 2. This text was intentionally inserted as a placeholder to retain the order of the numbers in the chart, after Council repealed this section on February 27, 2007. One of the activities staff is proposing be separated into two separate activities would be inserted in the chart under Activity 2 instead;
4. Revise the existing description under Schedule B, Activity 15 by separating it into two distinct activities, while retaining the same prohibitions by time and place. Specifically, staff is proposing that the “playing of musical instruments, including percussion instruments” be listed as an activity separate and distinct from “yelling, shouting, hooting, whistling and singing”. This change is required to be presented in a separate amending by-law to allow enforcement of the existing regulations to continue until such time as approval of new short form wording is obtained from the Ministry of the Attorney General;
5. Replace “churches” with “places of worship” in exemption number 8., under Schedule C – Exemptions from the Noise Prohibitions; and
6. Add additional “Whereas” clauses referencing Sections 425 and 429 of the *Municipal Act* that provide Councils of municipalities with the authority to pass by-laws and to establish a system of fines for offences of a by-law.

A concern was expressed by a member of the public regarding the proposed replacement of the word “churches” with “places of worship”. The term “places of worship” represents the updated wording used in municipalities’ zoning by-laws and, it is in the context of consolidating the City’s zoning by-laws that this particular resident’s concern appears to be directed. In the context of the Noise By-Law, the proposed change in terminology is intended to provide for a broader application of the exemption from a prohibition on noise from the operation of bells, chimes, carillons and clocks.

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The following changes are considered to be policy related:

Definitions

Add and revise definitions to provide additional clarity, including:

- a. Define “Fireworks” to identify the different categories of fireworks regulated by this by-law and which categories require the approval of the Chief Fire Official to be set off;
- b. Expand the definition of “Person” to include an owner of a property, to allow for a property owner to also be held responsible for permitting noise to occur on his or her property. This provision provides staff with the ability to involve a property owner in the resolution of repeat noise infractions at a given address. The change in the definition of “Person” permits enforcement officers to interact with and send correspondence to the property owner alerting him or her to the issue and to allow for the property owner, in his or her role as a landlord, to take action to address the behaviour;
- c. Add “police vehicle” to the list of vehicles defined as an “emergency vehicle”;
- d. Remove the definition for “road” from the by-law, and incorporate its content into the definition for “premises”;
- e. Define “Sports Field” to mean any area, not on property zoned Residential, as defined in the City’s zoning by-laws, whether or not delineated by lines, that is designated as a playing surface and includes any adjacent seating area or stands; and
- f. Define “Statutory Holiday” to include Boxing Day and any day within the definition of “holiday” in the *Retail Business Holidays Act* R.S.O. 1990, Ch. R.30, as amended, or any successor thereof. Kingston’s noise by-law prohibits certain activities including construction and the use of construction equipment, and loading/unloading and delivery on Sundays and on Statutory Holidays. The by-law does not currently define “Statutory Holiday”. Most municipalities’ by-laws that do define “holiday” state that it includes those days listed as “holidays” in *Ontario’s Retail Business Holidays Act*. Kingston’s by-law refers to “Statutory Holidays” which in Ontario includes Boxing Day, a holiday not included in the *Retail Business Holidays Act*. The Statutory Holidays would therefore include New Year’s Day, Family Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day and Boxing Day.

A concern was raised from attendees at one of the public meetings regarding the proposed definition of a “sports field”, specifically the implications that a school yard would be included under this definition. A playing surface in a school yard would be considered a “sports field” under this definition; however, activity on school property would be additionally regulated by the respective school board. The exclusion of a “sports field”, as defined, being located on a property zoned Residential is intended to prohibit the more permissive noise restrictions being proposed from applying to, for example, a vacant lot on a residential street.

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Administrative Changes

Remove “Bicycle races” from the list under Schedule C - Exemptions from Noise Prohibitions. This specific reference would apply under the general category of “races”, which is already exempted from the noise prohibitions, when the event has been authorized (currently, by the Kingston Police). No concerns were raised regarding this change as a result of public consultation.

Replace “Kingston Police” with “City” under number 8 in Schedule C – Exemptions from the Noise Prohibitions. The authority to authorize races, parades, processions, and events for ceremonial, religious or traditional purposes is currently held by the Kingston Police. This process dates back to a 1981 by-law of the Board of Commissioners of Police and references a previous version of the *Municipal Act*. Several City departments are also involved in such events and it therefore makes sense to identify the City, as the entity with authority to regulate streets pursuant to the *Municipal Act, 2001*, with Kingston Police input. No concerns were raised regarding this change as a result of public consultation.

Offence and Penalty Provisions

Revise the reference to the provincial legislation under the Offence and Penalty Provisions section from the *Provincial Offences Act* to the *Municipal Act*. In 2006, the Province amended the *Municipal Act* to establish a system of fines for offences under municipal by-laws, including a range of minimum and maximum fine amounts. The fine amounts far exceed the maximum \$5,000 penalty available under the *Provincial Offences Act* (POA). Consequently, many municipalities, including Kingston, have started substituting references to the POA’s maximum fine in their respective by-laws with references to the minimum and/or maximum fine amounts contained in the *Municipal Act*. In alignment with maximum fine amounts in the City’s Tree By-Law Number 2007-190 and Sewer By-Law Number 2008-192, and other municipalities’ noise by-laws including Ottawa, Hamilton and London, staff are proposing the following maximum fine amounts replace the \$5,000 maximum fine currently available under the *Provincial Offences Act*:

“Every person, other than a corporation, who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and \$25,000 for any subsequent offence, as provided for in subsection 429 (2) (c) of the *Municipal Act, 2001* as amended from time to time.

Every corporation that contravenes any provision of this by-law and every officer or director of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 for a first offence and \$100,000 for any subsequent offence, as provided for in subsections 425(3) and 429(2) (a) of the *Municipal Act, 2001* as amended from time to time.”

No concerns were raised regarding this change as a result of public consultation.

Obstruction Clause

Add a section making it a violation of the by-law to “obstruct or hinder or attempt to obstruct or hinder a Provincial Offences Officer or other authorized employee or agent of the City in the

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exercise of a power or the performance of a duty under this by-law". This standard obstruction clause is now being included in all the City's by-laws that contain enforcement provisions. One concern was raised regarding this change as a result of public consultation. A resident stated that this clause would provide an Officer with "unlimited power to enter or damage property in the exercise of their duty" and that the obstruction should be limited to actions of a person and not "objects". The intent of this proposed clause is to deter persons from intentionally interfering with an Officer in the course of performing his or her duties. The actions of an Officer in the context of enforcing the Noise By-Law are regulated by the provisions of the by-law and by provincial legislation.

Idling Regulation

Remove section 11 under Schedule A – General Noise Prohibitions from the Noise By-Law, as the operation of an engine or motor in or on a vehicle is already regulated by the City's Idling By-Law Number 2008-95, which limits idling of a vehicle's engine to 3 minutes within a 60 minute period, or to 5 minutes within a 60 minute period when the outside temperature is below 5 degrees celsius.

When the City's Noise By-Law was harmonized in 2004, the City was also in the process of revising its Idling By-Law. At that time, staff therefore included in number 11 under Schedule A – General Noise Prohibitions, the phrase: "or such other time limit as specified in the by-law controlling the idling of vehicles and boats" to ensure that the regulations pertaining to this activity were consistent between the two by-laws. The regulations under the Idling By-Law are the more restrictive, including shorter time limits and fewer exemptions and it is only necessary to regulate and enforce this activity under one by-law. Muffler systems and noise from vehicles were raised as concerns at the public meeting and were also noted several times in the online survey comments. The current noise by-law prohibits excessive noise from this type of activity.

Delegation of Authority for Specific Construction Activity

Delegate the authority to the Manager of Licensing and Enforcement, or his or her designate, to grant noise exemptions from the prohibitions listed in section 1 and section 3 of Schedule B of the Noise By-Law for the purpose only to permit the pouring, saw-cutting and finishing of concrete, until 2300 hours (11:00 p.m.), one day per week, excluding Sundays and Statutory Holidays.

The Licensing and Enforcement Division receives requests to grant noise exemptions to accommodate construction procedures related to high-rise buildings, specifically to facilitate concrete finishing. It is normal during the construction of high-rise buildings to require additional time for finishing of the concrete slabs, which necessitate a monolithic pour in order to provide superior structural strength for this building type. Certain types of concrete pours should not be terminated until properly completed (i.e. slip-forming or deck pouring or levelling). Noise is generated from the use of saws to cut the concrete and power trowels to finish the concrete.

In each case, Council approval is required for these exemption requests. An exemption request of this type, when advertised, is often perceived as being disruptive and as having a prolonged impact on residents in the area. In reviewing previous requests for noise exemptions, staff have

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determined that several objections can be received for a proposed exemption, while no complaints are received when the actual exemption is being utilized.

Municipalities, including Toronto, Ottawa, Hamilton, London and Milton delegate authority to staff to authorize noise exemptions related to construction activity.

Under the proposed delegated authority, the Manager of Licensing and Enforcement shall only approve noise exemption requests that can be accommodated under these specific conditions. The contractor requesting the exemption would continue to be required to provide notification in advance to the City and to the residents in the immediate vicinity of the construction site, as well as be required to provide a contact number they can be reached at during the exempted time period. All requests that do not meet the criteria shall be processed through a report to Council for approval.

Delegating authority for the granting of exemptions for work of this nature would provide more flexibility to respond quickly, if necessary, to unexpected circumstances on construction sites. The process for a noise exemption request takes 6 to 8 weeks to complete. This time frame allows for advertisement of the project, the public to be given sufficient opportunity to register objections to the exemption and working with the applicant to try to resolve as many issues arising from the objections as possible before making a recommendation to Council.

If, for any reason, a noise exemption request is denied by the Manager of Licensing and Enforcement, the applicant may submit a noise exemption request to Council. An example of a reason for denial could be an applicant's past record of non-compliance with a previous exemption.

423 people completed this section of the online survey and 65 comments were provided. The survey showed that 70.9% of the respondents agreed that delegated authority should be granted to exempt up to 2300 hours (11:00 p.m.) or midnight. The highest percentage supported delegated authority to grant exemptions for 2 days per week between 1900 hours (7:00 p.m.) and 2300 hours (11:00 p.m.). Comments received through public consultation included, but were not limited to, those who supported the delegated authority to promote expedient construction, promote construction itself, and a request for 48 hours notice. Those who did not support the exemption noted that there should be reduced hours in most cases for noise related to construction, impacts on quality of life and that noise from construction should be reduced to 7 hours or 8 hours a day and a maximum, as was noted by some, of 14 hours a day. Given that this is a new process, staff is recommending that delegated authority to approve exemptions should be limited to 1 day per week.

Delegation of Authority for Extended Construction

Delegate the authority to the Manager of Licensing and Enforcement, or his or her designate, to permit the operation of construction equipment in connection with construction, between 1900 hours (7:00 p.m.) and 2100 hours (9:00 p.m.), one day per week, excluding Saturdays, Sundays and Statutory Holidays.

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Concerns have been raised by the construction industry that there are times when construction would be required beyond 1900 hours (7:00 p.m.) due to unforeseen circumstances such as weather, traffic or accidents. Staff recognizes that these incidents can occur and are therefore recommending that contractors be permitted to work until 2100 hours (9:00 p.m.) for one occurrence per week between Monday and Friday. This provision will allow the contractor to deal with unforeseen circumstances and will deter regular scheduling of construction which generates noise up to 2100 hours (9:00 p.m.) on a consistent basis. The contractor would also be required to advise the City of the extension to 2100 hours (9:00 p.m.) and provide reasoning for the extension.

Permanent exemptions such as this have been granted in the past; for example, the following exemption was granted to the Beer Store to help them deal with deliveries due to delays by traffic and/or accidents:

- **That** Brewer's Retail Inc., operating as "The Beer Store" be granted an exemption to the noise control by-law in accordance with Section 3.4 of By-Law Number 2004-52, "A By-Law to Regulate Noise" to permit noise between the hours of 7:00 p.m. and 9:00 p.m., Monday to Friday but not on any Statutory Holiday at its 121 Cataraqui Street location for a maximum of 12 weekdays per 12 month calendar year, with no more than one weekday exemption per calendar month, it being understood that contravention of the terms of this exemption may result in the exemption being revoked.

An additional clause would be added to the by-law noting that exemptions approved by the Manager of Licensing and Enforcement will be in effect for the dates specified, and the Manager of Licensing and Enforcement may impose any conditions that he or she considers appropriate to minimize the impacts on residents that relate to extended construction.

Noise from Publicly Funded Construction

The construction industry has also raised concerns regarding publicly funded construction, in particular, work on Highway 401. When the Ministry of Transportation issues a tender for construction work on Highway 401, they have already applied for and received a noise exemption from the municipality. Council has approved overnight work on Highway 401 6 times over the past 12 years and for durations of up to 52 months. The Ministry of Transportation exemption requests do not include the transport of aggregate from a pit or quarry to the construction site. The Ministry advised that they are not proposing any changes to their tendering or award process to include this activity.

Staff have received complaints from residents living on or near haulage routes used by contractors to transport aggregate to construction sites. It was initially thought that provisions of the Noise By-Law prohibiting noise generated from the operation of construction equipment in connection with construction between 1900 hours (7:00 p.m.) and 0700 hours, and all day on Sundays and Statutory Holidays applied not only to a construction site but also to the route travelled by highway haulers and trucks supplying aggregate to the construction site. It has subsequently been determined that these clauses in the City's Noise By-Law cannot be extended to regulate off-site activity. Additionally, the regulation in Schedule B, Number 13 of the Noise By-Law prohibiting noise from the operation of a pit or quarry between 2100 hours

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(9:00 p.m.) and 0700 hours, and all day on Sundays and Statutory Holidays is superseded by Section 66 of the *Ontario Aggregate Resources Act*, which reads in part:

“66(1) This Act, the regulations and the provisions of licenses and site plans apply despite any municipal by-law, Official Plan or development agreement, and to the extent that a municipal by-law, Official Plan or development agreement deals with the same subject-matter as this Act, the regulations or the provisions of a license or site plan, the by-law, Official Plan or development agreement is inoperative.”

The *Aggregate Resources Act*, its regulations, and the provisions of licenses and site plans are often less restrictive related to operating hours for pits and quarries.

Provisions contained in the City’s Noise By-Law that remain applicable to noise generated by vehicles, including those used to transport aggregate, include, under Schedule A General Noise Prohibitions, the following prohibitions:

- “3. Operation of a combustion engine or pneumatic device without an effective muffling device that is in good working order and constant operation.
4. Operation of any item of construction equipment without an effective muffling device that is in good working order and constant operation.
5. Operation of a vehicle in a manner that results in banging, clanking, squealing or similar sounds because of inadequate maintenance or an insecure load.”

Kingston Police advise that Sections 3 and 4 are also regulated under the *Highway Traffic Act*.

The City’s Traffic By-Law identifies roads, or sections of roads, on which commercial motor vehicles and other types of vehicles or equipment, whose weight, when unloaded, is one tonne or more or, when loaded, is three tonnes or more, are not permitted to travel.

The City’s Official Plan, Section 3.17.3(f), speaks to the requirement, when considering an amendment to a zoning by-law to permit any new mineral or mineral aggregate operation, or the expansion of a current activity in an area designated as a Mineral Resource Area, to take into consideration “the location of proposed haulage routes and their impact on communities or residents along those routes, and the impact on the transportation system relying on those routes.”

Noise Associated with Organized Sporting Activities

The types of noise commonly associated with organized sporting activities that are regulated by the City’s Noise By-Law include the sounding of whistles, the amplification of voices and sound, and vocalizing by participants and spectators. Staff deems it beneficial to establish a set of noise regulations specific to facilitating organized sporting activities while also managing the impacts this activity may have on residents. Staff is proposing that these three types of noise, when associated with organized sporting activities, be regulated in the same manner, and that

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the times when these types of noise would be permitted align with the times of the day when the City schedules organized sporting activities on its own sports fields.

Whistles

Add the activity “Whistles when used to control organized sporting activities at a sports field” to Schedule B – Noise Prohibitions by Time and Place and prohibit such noise from 2230 hours (10:30 p.m.) of one day to 0800 hours of the next day, each day of the week in both Residential Areas and Other Areas.

This proposed amendment is intended to apply a less restrictive regulation to the sounding of whistles when controlling organized sporting activities, including, for example, running drills in a practice or officiating a game, than the general prohibition on the sounding of whistles at any-time that currently exists in the by-law. Much of the content of Kingston’s Noise By-Law, as well as that of several other Ontario municipalities, derives from a model qualitative noise by-law produced by the Ministry of the Environment (MOE) in 1978. For example, activity number 7 listed under Schedule A – General Noise Prohibitions of the City’s Noise By-Law was taken verbatim from the MOE model by-law and reads as follows:

“Operation of any outdoor auditory signaling device, including but not limited to outdoor paging systems, the ringing of bells and gongs, the use of sirens, whistles or chimes, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practice.”

When the City’s Noise By-Law was harmonized in 2004, staff recommended adopting the most restrictive regulation of the 3 former municipalities that applied to this activity. The rationale provided by staff in Council Report Number 04-007, dated February 10, 2004, was that “the use of auditory signaling devices, such as paging systems, on business premises produces amplified noise which can be very disturbing to the residents that live nearby. Moreover, such noise is unnecessary, as there are now practical alternatives which do not create noise problems.” It is apparent from this excerpt that the recommended prohibition on outdoor auditory signaling devices, which was subsequently approved by Council, did not contemplate and was not intended to apply to whistles when used to control organized sporting activities on sports fields. The inclusion of “whistles” was likely in reference to a whistle sounding to signal the beginning or end of a shift at a plant or factory. However, in the absence of content in the current by-law differentiating the sounding of whistles in these two contexts, staff has enforced the prohibition on the sounding of whistles in all circumstances. This enforcement has led to the applications to Council for exemptions from the noise by-law for the sounding of whistles on sports fields.

458 people completed the section of the online survey pertaining to regulation of whistles and 91 comments were provided. The survey showed that 90% of the respondents felt that whistles should be permitted. The highest percentage of respondents indicated that whistles should be permitted between 0700 hours and 2200 hours (10:00 p.m.), being the earliest start time and the latest finish time that was included in the survey. Comments received through public consultation included, but were not limited to, those who supported the sounding of whistles to maintain safe and organized play, that whistles should not be restricted at all, to promote

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healthy and active living, teamwork, competition, community building, tourism and to prevent obesity. Those who did not support the use of whistles were concerned with quality of life, noise pollution, disruption of family life and the promotion of sports and entertainment on playing fields for profit.

A survey of other municipalities found no evidence of restrictions specifically for the use of whistles for organized sporting activities. The majority of municipalities surveyed that regulated whistles did so under the same category as Kingston's current by-law, as an auditory signaling device. In almost all of these municipalities, the sounding of whistles is only prohibited between certain times, rather than at all times.

Staff is recommending that whistles used to control organized sporting activities at sports fields be regulated by time and should not be permitted at all times. City fields currently schedule from 0800 hours until 2230 hours (10:30 p.m.), with the lighting of fields until 2300 hours (11:00 p.m.) to allow for the safe egress of all persons. Therefore, to provide consistency, staff are recommending that whistles be permitted between the hours of 0800 and 2230 (10:30 p.m.).

Game Related PA Announcements and the National Anthem

Add the activity "Amplification of voices or sound for the purposes of playing the national anthem(s) and intermittent game-related PA announcements during organized sporting activities at a sports field" to Schedule B – Noise Prohibitions by Time and Place and prohibit such noise from 2230 hours (10:30 p.m.) of one day to 0700 hours of the next day, 0800 on Sundays in Residential Areas, and from 2300 hours (11:00 p.m.) of one day to 0700 hours of the next day, 0800 hours on Sundays in other areas.

This proposed amendment is intended to apply a less restrictive regulation to the use of amplification of voices and sound for game related activities. The current by-law prohibits this type of activity at all times in Residential Areas, and between 2300 hours (11:00 p.m.) and 0700 hours, 0900 hours Sundays in Other Areas. 457 people completed this section of the online survey and 74 comments were provided. The survey showed that 87.7% of the respondents indicated that amplification of voice and sound on sports fields should be permitted. The highest percentage of respondents indicated that amplification of voice and sound should be permitted between 0700 hours and 2200 hours (10:00 p.m.), being the earliest start time and the latest finish time that was included in the survey. Comments received through public consultation were much the same as for the use of whistles, being to maintain safe and organized play, to promote healthy and active living, teamwork, competition, community building, tourism and to prevent obesity. In addition, a comment was made that application for exemption be made for this activity on a yearly basis. Those who did not support the amplification of sound also mirrored the same concerns they had with whistles, being quality of life, noise pollution, disruption of family life and the promotion of sports and entertainment on playing fields for profit.

The majority of municipalities reviewed by staff were found to permit amplification of sound up to specific times in the evening. The remainder either prohibited amplified noise at all times, or not at all. In Waterloo, an exemption is required on an annual basis for amplified sound associated with sporting activities at Wilfred Laurier University's stadium. Hamilton's noise by-law provides a permanent noise exemption for Tim Horton's Field.

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Staff is recommending that amplification of voices or sound for the purposes only of playing the national anthem and intermittent game-related PA announcements during organized sporting activities at sports fields be permitted between 0800 hours and 2230 hours (10:30 p.m.), each day of the week in Residential Areas, and in Other Areas, beginning at 0800 hours on Sundays (amplified voices and sound are already permitted in Other Areas between 0700 hours and 2300 hours (11:00 p.m.) Monday through Saturday, between 0900 hours and 2300 hours (11:00 p.m.) on Sundays).

To address concerns expressed from members of the general public, that under the proposed changes, there would be no control over the volume of the amplified game-related announcements, a condition has been added to the by-law in Schedule B, activity number 4 requiring that the volume not exceed the minimum level required to be clearly audible to persons at a sports field.

Should Council approve the proposed amendments, or any variation thereof, for the sounding of whistles and the playing of the national anthem and intermittent game-related PA announcements during organized sporting activities at sports fields, the active exemptions, permanent or temporary, for these types of noise would continue to be in effect for any days or times and under any circumstances that may exceed (be less restrictive than) the new regulations.

Yelling, Shouting, Hooting, Whistling or Singing During Organized Sporting Activities

Add the activity “Yelling, shouting, hooting, whistling or singing during organized sporting activities at a sports field” to Schedule B – Noise Prohibitions by Time and Place and prohibit such noise in Residential Areas from 2230 hours (10:30 p.m.) of one day to 0700 hours of the next day (0800 on Sundays), and in Other Areas from 2300 hours (11:00 p.m.) of one day to 0700 hours of the next day (0800 on Sundays).

Currently, this type of noise is prohibited in Residential Areas from 2100 hours (9:00 p.m.) of one day to 0700 hours of next day (0900 Sundays), and in Other Areas from 2300 hours (11:00 p.m.) of one day to 0700 hours of next day (0900 on Sundays). The proposed change would result in this type of noise being permitted, only by participants and spectators at organized sporting activities at sports fields, 90 minutes later in the evening in Residential Areas and one hour earlier on Sundays in both Residential Areas and Other Areas. The proposed times align with the times being proposed for the sounding of whistles, the playing of the national anthem, and for intermittent game-related PA announcements during organized sporting activities.

Other than during organized sporting activities on sports fields, the times noise from yelling, shouting, hooting, whistling and singing is currently prohibited in the by-law would remain in effect.

Waste Collection in the Downtown Kingston Business Improvement Area

Add an activity to permit noise from private haulers for collection of waste in the Downtown Kingston Business Improvement Area.

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As part of the Downtown Cleanliness program, staff identified the need to regulate times that garbage can be left out in the downtown area for pick up by private haulers. The solid waste by-law permitted garbage to be left out for pick up until 2000 hours (8:00 p.m.) allowing garbage to be left out for such a long period of time has created problems, as garbage often remains present on the street during times when many people are shopping and visiting the downtown area. Private haulers are not permitted to create noise when collecting garbage before 0700 hours (0900 hours on Sundays). Allowing private haulers to pick up starting at 0600 hours will provide the opportunity for waste to be removed earlier from the streets. The earlier pick up time will also be more consistent with City operations. 445 people completed this section of the online survey and 57 comments were provided. 67% of the respondents indicated that private haulers should be permitted to pick up and compact garbage in the Downtown Kingston Business Improvement Area starting at 0600 hours. Comments received through public consultation included, but were not limited to, those who stated that pick up times should not be restricted, and those who supported the earlier pick up time to prevent traffic congestion, to remove garbage from the streets before businesses open and to create a more appealing downtown. Those who did not support earlier pick up times noted that this will be disruptive to seniors and shift workers, that this will not entice residents to move downtown and that pick-up times should be restricted to 0700 or 0800 hours.

Staff are recommending a pick-up time beginning at 0600 hours to provide consistency with the municipality's operations and to allow for earlier removal of garbage by private contractors. Staff proposed an amendment to the solid waste by-law requiring any uncollected waste and all waste receptacles from commercial businesses only to be removed from the sidewalks and boulevards in the Downtown Kingston Business Improvement Area by 0930 hours each morning. The proposed restriction does not apply to the residential properties in the Downtown Kingston Business Improvement Area. At Council's regularly scheduled meeting on August 9, 2016, this amendment received 1st and 2nd reading. The extra time that a private hauler would be permitted to operate will assist commercial property owners and businesses in complying with this more restrictive waste collection time regulation.

Noise Associated with Fireworks

A concern regarding how the City regulates noise from fireworks was brought to staff's attention after the public consultation process was completed. Staff subsequently conducted a review of how fireworks are currently regulated in the Noise By-Law and how this regulation has been enforced. A review of how other municipalities regulate noise from fireworks was also conducted.

The Noise By-Law, under Schedule A – General Noise Prohibitions, currently prohibits noise from the setting off of “unauthorized” fireworks anywhere at any time. Under Schedule C of the by-law – Exemptions from the Noise Prohibitions, “authorized” displays of fireworks are permitted. The by-law does not explicitly specify what entity authorizes displays of fireworks and under what circumstances. Kingston Fire and Rescue reviews applications for fireworks displays and provides their authorization only after the applicant has demonstrated that it meets the necessary criteria as set out in provincial and federal legislation.

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City By-Law Enforcement Officers and the Kingston Police respond to complaints of noise from fireworks. When these complaints occur on holidays that are commonly associated with the setting off of fireworks, including Victoria Day, Canada Day and New Year's Eve, discretion may be exercised resulting in the person being informed of the existing regulations rather than charged for violating the Noise By-Law.

Staff found that a number of municipalities permit the setting off of fireworks on these statutory holidays, and in some instances, permit fireworks on one or more days preceding and/or following these holidays as well.

Based on the findings of this review, staff is proposing that the Noise By-Law be amended to bring more clarity to how noise generated from fireworks is regulated and to permit the setting off of fireworks on particular days of the year, between particular times. These amendments include removing the existing references to fireworks under Schedules A and C in the Noise By-Law and adding a reference in the by-law under Schedule B – Noise Prohibitions by Time and Place, prohibiting noise from fireworks except on the following days and between the following times:

- a) between dusk and 2300 hours (11:00 pm) on Victoria Day;
- b) between dusk and 2300 hours (11:00 pm) on the day immediately preceding Victoria Day;
- c) between dusk and 2300 hours (11:00 pm) on Canada Day;
- d) between dusk and 2300 hours (11:00 pm) on the day immediately preceding Canada Day;
- e) between dusk on New Year's Eve and 0030 hours (12:30 am) on New Year's Day.

Staff are further proposing that authorization from the Chief Fire Official would be required to set off fireworks on any other day.

Staff believes that the community is generally more tolerant of noise from fireworks set off on Victoria Day, Canada Day and New Year's Eve, between the times being proposed. Allowing fireworks to be set off between the proposed times on the day preceding Victoria Day and the day preceding Canada Day is also seen as reasonable considering it is on the eve of a statutory holiday.

A definition for "Fireworks" and for "Chief Fire Official", which can be found in Exhibit E, would also be added to the by-law to provide further clarity.

Response to Council Motion Regarding Regulation of Noise from Buildings' Mechanical Systems

At its regular meeting on June 3, 2014, Council approved the following motion:

"Whereas the Environment, Infrastructure and Transportation Policies Committee has received a delegation that spoke to the matter of noise pollution, particularly as it results from "routine mechanical noise" of buildings, such as that of HVAC systems, exhaust fans, chimneys, pumps or other utility facilities both inside and outside of buildings; and

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Whereas similar noise was an issue at the K-Rock Centre at the time of its construction; and

Whereas HVAC noise has been an on-going problem with the Block D development, (particularly the hotel building); and

Whereas the city work at the Pump House Steam Museum has also been subject of similar complaints from members of the public; and

Whereas other jurisdictions do have guidelines for ambient noise levels;

Therefore Be It Resolved That Council direct staff to investigate the best practices in Ontario for controlling, regulating, or otherwise legislating maximum (and therefore acceptable) levels of building ambient noise, (noting how standards may vary according to the community) and with specific regard for the different areas within Kingston that may require different standards, such as rural, residential, downtown business/industrial, and recreational lands/parklands/waterfront shorelines or walkways; and

That staff report back to the first meeting of the Environment, Infrastructure and Transportation Policies Committee three months after Council approves this recommendation with a report of what the best practices are in other Ontario municipalities, and recommend a course of action for Kingston.”

The City of Kingston’s Noise By-Law Number 2004-52 takes a qualitative approach to the regulation of noise based on whether a sound is audible to a person and is regarded by that person as unwanted, excessive or disturbing. Enforcement of the City’s Noise By-Law is complaint driven. The generation of sound at a particular level only constitutes “noise” if a complaint is received.

A quantitative approach to noise regulation measures sound levels based on decibel readings to determine whether the sound exceeds an established threshold. The threshold levels are typically derived from provincial guidelines, are specific to the type of noise source, and can vary dependent on time of day and the type of location within a municipality.

In response to the Council motion above, Valcoustics Canada Ltd. was retained to conduct research regarding best practices and make recommendations regarding options for enforcement of noise, including the feasibility of adding quantitative measurements to the City’s Noise By-Law. Their report, entitled ‘Environmental Noise Control and Best Practices’, is attached as Exhibit G to this report. The authors reviewed the noise by-laws of 15 Ontario municipalities. The report contains a list of 5 recommendations and 12 best practices, designed to improve the City’s ability to address and resolve noise complaints.

The report explains that noise from stationary sources, specifically from a building’s mechanical systems, including such items as a Heating, Ventilating and Air Conditioning (HVAC) system, chiller, cooling tower, compressor, condenser, air makeup unit, exhaust fan, heat pump, generator, dust collector, or air conditioner is regulated in most cases by Ontario’s

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Environmental Protection Act, including the Ministry of Environment's (MOE) updated Environmental Noise Guideline NPC-300, published in 2013. This document is available at <http://www.ontario.ca/document/environmental-noise-guideline-stationary-and-transportation-sources-approval-and-planning>.

Depending on the type of mechanical system, an Environmental Compliance Approval (ECA) may be required or the system may be required to be registered with the Environmental Activity and Sector Registry (EASR). ECA's are public documents and are typically available from the MOE on their website at www.accessenvironment.ene.gov.on.ca.

The potential impacts of noise from stationary sources is further considered by the City of Kingston in its Official Plan. Section 5.25 states:

“Any use, including industrial, commercial, institutional or high density residential, proposed to generate a stationary source of noise or vibration may be required to undertake a detailed noise and/or vibration study, to the satisfaction of the City. The study must be conducted by a *qualified person* in accordance with Ministry of Environment guidelines, address all sources of noise and vibration, include recommendations for mitigation to meet the applicable criteria, and ensure that there is no *adverse effect* on an existing or planned *sensitive use*.”

Section 5.26 states:

“Where a residential use or other *sensitive use* is proposed within 300 metres of a stationary source of noise, the City requires that a noise study be prepared to address the Ministry of Environment noise guidelines. All related means of mitigation are required to be secured prior to approval of *development*.”

City staff also regulate noise sources at the Site Plan Control stage including, for example, the inclusion of standard clauses in sub-division agreements and the imposing of requirements for mitigation measures to be taken.

The City's Noise By-Law, under activity number 6 of Schedule B – Noise Prohibitions by Time and Place, regulates noise generated from the venting, release or pressure relief of air, steam or other gaseous material, product or compound from types of building mechanical systems including any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system. Noise from these stationary sources is prohibited anywhere in the City from 2300 hours (11:00 p.m.) of one day to 0700 hours of the next day (0900 on Sundays).

The provincial regulations, along with the regulations in the City's Official Plan, zoning by-laws, Site Plan Control agreements and the City's Noise By-Law all, to varying extents, factor geographical location into the type and level of sound permitted, and the days and times when a type of sound is either prohibited or permitted but at a reduced level. Typically, noise regulations are more restrictive in residential areas, or in the evening and overnight hours.

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Staff have determined that at a minimum, equipment and training would cost in the thousands of dollars in order to enforce quantitative noise maximums. Staffing levels and times of enforcement coverage would also need to be considered if police were not able to respond to these types of complaints to conduct quantitative measurements. The equipment requires regular calibration that is set to the manufacturer's standards to ensure accuracy and additional equipment may be required to maintain the equipment. All By-Law Enforcement Officers would require training with the equipment and on the proper measuring standards as well. Police would also be required to obtain the same equipment and training in order to continue enforcing the regulations in the noise by-law. Staff had determined that a four day Ministry of the Environment approved training course is being offered for use of quantitative noise measures.

Of the 15 municipalities' noise by-laws reviewed by the consultant, 6 incorporated quantitative limits for certain sources of noise.

435 people completed the section of the online survey related to regulation of noise from buildings' mechanical systems and 33 comments were provided. 65% of the respondents indicated support for continuing with the current process (qualitative approach), including have staff work with the owner of the property where the noise is being generated to address any maintenance needs, have noise considered by the City in its Official Plan and through Site Plan Control agreements, and have noise meet the Ministry of Environment's noise guidelines. 26% of respondents indicated support for a quantitative approach (decibel measurements) to regulate noise from buildings' mechanical systems. Of that number, twice as many indicated their preference for City staff and Police to be trained to record decibel levels rather than contracting a firm to record decibel readings.

To date, By-Law Enforcement has received very few complaints concerning noise from buildings' mechanical systems. Staff recommends retaining the qualitative approach to noise enforcement. Enforcement of quantitative sound level maximums does not provide for the same flexibility in terms of determining what constitutes 'noise' that is excessive or disturbing to persons. In the case of noise from buildings' mechanical systems, quantitative sound level maximums are already incorporated into provincial regulations and in municipal zoning through Site Plan Control.

For complaints received concerning noise from stationary sources including a building's mechanical systems, staff would follow the best practice approach outlined in the consultant's report. By-Law Enforcement Officers would initially investigate a complaint to gather information regarding the nature and source of the noise. If the source of the noise has an existing Environmental Compliance Approval (ECA) or is deemed to require one, or is registered or required to be registered with the Environmental Activity and Sector Registry (EASR), the complaint can be forwarded to the Ministry of the Environment for their follow-up. If the source generating the noise is not regulated by an ECA or does not require registration with the EASR, the Planning Division would be consulted to identify any conditions that may exist in a Site Plan Control agreement or subdivision agreement regulating the source of the noise. If such conditions exist and/or if the type of noise is regulated under Schedule B, activity number 6 of the City's Noise By-Law, City staff would advise the owner or occupant of the property of the complaint and of any regulations or conditions that they are not in compliance with. It has been

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staff's experience with most of the previous complaints of this nature that the noise has been due to the mechanical system malfunctioning or failure to maintain the system in working order. Subsequent servicing of the system has resulted in the elimination of, or acceptable reduction in the noise.

Staff believes that the approach outlined above will be effective in managing and resolving noise complaints of this nature, and is preferable to moving to a quantitative approach that may not justify the additional administration and financial resources required, considering that it would not necessarily produce a faster or better resolution.

Existing Policy/By-Law:

By-Law Number 2004-52 A By-Law to Regulate Noise

Ministry of Environment Noise Guideline NPC-300

Notice Provisions:

The general public was made aware of the review of the noise by-law and the opportunity to provide input was provided through various avenues including an online chat, an online survey, two public Open Houses, the City's website, Commissioner's blog, newspaper advertisements, and via Facebook and Twitter. The general public was also invited to send written correspondence to the Manager of Licensing and Enforcement in cases where there was otherwise no opportunity to provide comment. Stakeholders were also consulted to gather input on the regulations that had been identified as either too restrictive or not restrictive enough. The stakeholders included the Home Builders Association, Kingston Construction Association and owners of sports fields.

Accessibility Considerations:

Not applicable

Financial Considerations:

If quantitative measurements are added to the noise by-law, there would be a cost to purchase decibel readers and a cost to train By-Law Enforcement Officers and Kingston Police to maintain and operate the readers and record the measurements. The cost for the Ministry of Environment's initial Environmental Noise course is approximately \$1,500 per person, when travel to and from the course location is included.

Contacts:

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

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

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Other City of Kingston Staff Consulted:

Marnie Venditti, Senior Manager, Client Relations & Development Services

Kim Brown, Manager, Infrastructure and Development, Engineering Department

Andrew Reeson, Associate Legal Counsel, Legal Services

Heather Roberts, Manager, Solid Waste Operations

Brandi Timpson, Supervisor, Enforcement, Transportation Services

Luke Follwell, Director, Recreation & Leisure Services

Paul Patry, Chief Fire Prevention Officer, Kingston Fire and Rescue

Kingston Police

Exhibits Attached:

Exhibit A Permanent Exemptions

Exhibit B Temporary Exemptions

Exhibit C Review of Select Noise By-Laws in other Ontario Municipalities

Exhibit D Online Survey Results and Correspondence

Exhibit E Amending By-Law - General

Exhibit F Amending By-Law – Schedule B

Exhibit G Environmental Noise Control and Best Practices

Permanent Noise Exemptions

1. Report to Council – February 17, 2015 – Application made by St. Lawrence College for the sports field located at the corner of King St. West and Portsmouth Ave.

Council Resolution

That St. Lawrence College be granted an exemption from Noise Control By-Law 2004-52 Schedule A, Section 7 to permit noise from whistles at their sports field located at the corner of King Street West and Portsmouth Avenue between the hours of 7:00 a.m. and 9:00 p.m., Monday to Saturday, and 9:00 a.m. to 9:00 p.m. on Sundays; and

That St. Lawrence College is also permitted an exemption until 10:00 p.m. for a total of 25 occurrences in a calendar year; and

That the noise exemption shall not come into effect until such time that the approval for site plan control has been issued by the City for the Sports Field Lighting project, File D11-064-2014M; and

That amplified noise is prohibited on the field at all times; and

That St. Lawrence College will provide 48 hours' notice to the City of Kingston's Manager of Licensing and Enforcement when utilizing any of the single use occurrences.

2. Report to Council – July 16, 2013 – Application made by Mr. Nice Cream to operate an ice cream truck in residential areas

Council Resolution

That the Mobile Truck businesses known for the sale of ice cream products be granted an exemption to the Noise Control By-Law 2004-52 Schedules "A" & "B" for the purposes of operating an ice cream truck in residential areas, subject to the following conditions:

1. That the applicant exits the vehicle before to entering a residential neighbourhood to determine appropriate noise levels.
2. That the music be turned off when the vehicle is stopped to serve.
3. That sales will not take place from the same block every day, but will be allowed every other day.
4. That sales be permitted between the hours of 12 noon and 8 p.m. on any day.

3. Report To Administrative Policies Committee May 9, 2013 and to Council May 21, 2013 – Application made by Power Play Centre for outdoor ball hockey rink at 820 Gardiners Road

Council Resolution

That Power Play Sports located at 820 Gardiners Road be granted an exemption from Schedule "A" of By-Law 2004-52 being, "A By-Law to Regulate Noise", to allow for noise from buzzers and

whistles 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, subject to the following conditions:

1. The volume of the buzzer signal shall be kept at a reasonable sound level;
2. The blowing of whistles and sounding of buzzers shall be limited to only what is necessary for the regulation of the hockey games;
3. Banging of sticks and banging in the stands will be monitored by the center and by the time keeper and will be kept to a minimum, and

That an exemption from 9:00 a.m. to 11:00 p.m. be granted on any day of the week up to a maximum of 6 days per calendar year, and that Power Play Sports provides the Manager, Licensing and Enforcement Division, 72 hours notice before such an exemption is being utilized.

4. Report To Council – January 10, 2012 - Application made by The Beer Store for 121 Cataraqui Street

Council Resolution

That Brewer's Retail Inc., operating as "The Beer Store" be granted an exemption to the noise control by-law in accordance with Section 3.4 of By-Law No. 2004-52, , "A By-Law to Regulate Noise" to permit noise between the hours of 7:00 p.m. and 9:00 p.m., Monday to Friday but not on any Statutory Holiday at its 121 Cataraqui Street location for a maximum of 12 weekdays per 12 month calendar year, with no more than one weekday exemption per calendar month, it being understood that contravention of the terms of this exemption may result in the exemption being revoked.

Temporary Noise Exemptions

1. Report to Council – August 17, 2004 – Application made by CaraCo Development for 2727 Princess Street

Council Resolution

Whereas CaraCo Development has requested an exemption to By-Law No. 2004-52 Schedule “B”, “A By-Law To Regulate Noise”, to permit construction of a high rise apartment building located at 2727 Princess Street, and;

Whereas the applicant has requested that the exemption cover operations between the hours of 7:00 pm and 9:00pm, and;

Whereas the public has been notified and consulted regarding this construction and there are no unresolved objections;

Therefore Be It Resolved That CaraCo Development be allowed an exemption from the normal 19:00 (7:00pm) to 07:00 (7:00 am) restriction under By-Law No. 2004-52, Schedule “B”, in order to allow for construction of a high-rise apartment building from Monday to Friday from 7:00 am to 9:00 pm until March 31, 2005, but not on any weekend or Statutory Holiday.

2. Report To Council – September 19, 2006 – Application made by Homestead Landholdings for 5 Gore Street

Council Resolution

That Homestead Land Holdings be granted an exemption from the normal 19:00 (7 pm) to 07:00 (7 am) restriction under the City of Kingston Noise Control By-Law No. 2004-52 Schedule “B”, in order to allow for concrete finishing at 5 Gore Street from Thursday, September 21st, 2006 and continuing until December 29th, 2006 between the hours of 7:00 p.m. and 11:00 p.m. and that such operations will only be carried out when absolutely necessary, and on no more than 1 day within any week, but not on any weekend or Statutory Holiday.

3. Report To Council - October 2, 2007 – Application made by Homestead Landholdings for 135 Ontario Street

Council Resolution

That Homestead Land Holdings be granted an exemption from the normal 19:00 (7pm) to 07:00 (7 am) restriction under the City of Kingston Noise Control By-Law No. 2004-52 Schedule “B”, in order to allow for concrete finishing at 135 Ontario Street from Wednesday, October 3rd, 2007 and continuing until Friday, February 29th, 2008 between the hours of 7:00 p.m. and 11:00 p.m. and that such operations will only be carried out one to two days a week but not on any weekend or Statutory Holiday, it being understood that this exemption not be allowed during December 24 to December 31, 2007, inclusive.

4. Report to Council – November 4, 2008 – Application made by CaraCo Development Corporation, for 2753 Princess Street

Council Resolution

That CaraCo Development Corporation 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 cement finishing at 2753 Princess Street to cover operations between the hours of 7:00 p.m. and 9:00 p.m. from Wednesday, November 5, 2008 and continue only when necessary from Monday to Friday, excluding Statutory Holidays until Thursday, April 30, 2009, it being understood that this exemption not be allowed during December 19 to January 5, 2009, inclusive.

That clause (1) of report No. 121 of the Chief Administrative Officer (Recommend) be amended by adding the following thereto:

That this activity be permitted only for 20 days during that period; and

That CaraCo Development Corporation provide the City of Kingston through the Manager, Licensing and Enforcement Division, 48 hours notice before the pouring of concrete, in order to allow staff the opportunity to notify the district Councillor.”

5. Report to Council – July 15, 2009 – Homestead Land Holdings Limited - Application for Noise Exemption - 144 Barrett Court

Council Resolution

That Homestead Land Holdings Limited be granted an exemption from the normal 7:00 pm to 7:00 am restriction under Schedule “B” of By-Law No. 2004-52 “A By-Law To Regulate Noise”, in order to allow for concrete finishing only on a high rise apartment building at 144 Barrett Court for operations between the hours of 7:00 p.m. and 9:00 p.m. from Wednesday, July 15th, 2009 and continue only when necessary from Monday to Thursday, excluding Statutory Holidays until Thursday, December 18, 2009;

-and further-

That this activity be permitted only for 25 days during the exemption period and that Homestead Land Holdings Limited provides the City of Kingston through the Manager, Licensing and Enforcement Division, 48 hours notice before the pouring of concrete, in order to allow staff the opportunity to notify the district Councillor;

-and further-

That Homestead Land Holdings Limited provides notification to the Property Manager of 115 Barrett Court being Deerfield Condominium, 48 hours before the pouring of concrete.

6. Report to Council – July 15, 2009 – CaraCo Development Corporation - Application for Noise Exemption - 2753 Princess Street

Council Resolution

That CaraCo Development Corporation be granted an exemption from the normal 19:00 (7p.m.) to 07:00 (7a.m.) restriction under the City of Kingston Noise Control By-Law 2004-52 Schedule “B”, in order to allow concrete finishing at 2753 Princess Street to cover operations between the hours of 7:00 p.m. and 9:00 p.m. commencing on Wednesday, July 15th, 2009 and continuing only as necessary from Monday to Thursday, excluding statutory holidays, until Monday, November 2, 2009;

- and further –

That this activity be permitted only for 20 days during the exemption period and that CaraCo Development Corporation provides the Manager, Licensing and Enforcement Division, 48 hours notice before the pouring of concrete, in order to allow staff the opportunity to notify the district Councillor.

7. Report to Council – December 21, 2010 – Homestead Land Holdings Limited - Application for Noise Exemption - 151 Barrett Court

Council Resolution

That Homestead Land Holdings Limited be granted an exemption from the normal 19:00 (7pm) to 07:00 (7 am) restriction under the City of Kingston Noise Control By-Law 2004-52 Schedule ‘B’ Item 1, in order to allow for concrete finishing only on a high rise apartment building at 151 Barrett Court for operations between the hours of 7:00 p.m. and 11:00 p.m. from Wednesday, December 22, 2010 and continuing only when necessary between Monday and Friday, excluding Statutory Holidays until Friday, May 27, 2011; and

That this activity be permitted only for 20 days during the exemption period and that Homestead Land Holdings Limited provides the City of Kingston through the Manager, Licensing and Enforcement Division, 48 hours notice before the pouring of concrete; and

That this exemption for concrete finishing will not be applicable from December 24, 2010 to January 3, 2011.

8. Report to Council – June 19, 2012 – Homestead Land Holdings Limited – Application for Noise Exemption - 725 Highway 15

Council Resolution

That Homestead Land Holdings Limited be granted an exemption from the normal 7:00 p.m. to 7:00 a.m. restriction under Schedule “B” of By-Law No. 2004-52, “A By-Law To Regulate Noise,” in order to allow for concrete finishing only on a high rise apartment building at 725 Highway 15 for operations between the hours of 7:00 p.m. and 11:00 p.m. from Monday, June 25, 2012 and continue only when necessary from Monday to Friday, excluding Statutory Holidays, until Friday, November 23, 2012; and

That this activity be permitted only for 25 days during the exemption period with a maximum of one exemption per week, and that Homestead Land Holdings Limited provides the City of Kingston, through the Manager, Licensing and Enforcement Division, 48 hours' notice before the pouring of concrete.

9. Report to Council – September 24, 2013 – Homestead Land Holdings Limited – Application for Noise Exemption – 58 Leroy Grant Drive

Council Resolution

That Homestead Land Holdings Limited be granted an exemption from the normal 19:00 (7:00 p.m.) to 07:00 (7:00 a.m.) restriction under the City of Kingston Noise Control By-Law 2004-52 Schedule 'B' Item 1, in order to allow for concrete finishing only on a high rise apartment building at 58 Leroy Grant Drive for operations between the hours of 7:00 p.m. and 12:00 midnight from Wednesday, September 25, 2013 and continuing only when necessary between Monday and Friday, excluding Statutory Holidays, until Friday, March 28, 2014; and

That this activity be permitted only for 26 individual days during the exemption period; and

That Homestead Land Holdings Limited provides the City of Kingston through the Manager, Licensing and Enforcement Division, 48 hours' notice before the concrete finishing work is to be performed; and

That this exemption for concrete finishing will not be applicable between December 24, 2013 and January 3, 2014; and

That this exemption be limited to not more than one day per week.

10. Report to Council – July 25, 2014 – Queen's University – Application for Noise Exemption – West Campus grass and turf sports fields and Richardson Stadium, located at the corner of Sir John A. Macdonald Boulevard and Johnson Street

Council Resolution

That Queen's University be granted a temporary exemption until June 30, 2015 to Noise Control By-Law 2004-52 Schedule "A" Section 7 to permit noise from game whistles and Schedule "B" Activity 4 to permit the use of amplified sound for the purposes of playing the national anthem and intermittent game-related PA announcements at their West Campus grass and turf sports fields located at the corner of Sir John A. Macdonald Boulevard and Johnson Street between the hours of 9:00 a.m. and 9:00 p.m., Monday to Sunday, including on Statutory Holidays; and

That the use of amplified sound for the purposes of playing the national anthem and intermittent game-related PA announcements at the West Campus sports fields shall not exceed a combined total of 93 games between July 15th and June 30, 2015; and

That Queen's University be granted a temporary exemption until June 30, 2015 to Noise Control By-Law 2004-52 Schedule "A" Section 7 to permit noise from game whistles and Schedule "B" Activity 4 to permit amplification of sound only for game announcements, music

and the national anthem at Richardson Stadium located at the corner of Sir John A. Macdonald Boulevard and Johnson Street between the hours of 9:00 a.m. and 9:00 p.m., Monday to Sunday, including on Statutory Holidays for a maximum of 15 games between July 15th and June 30, 2015; and

That Queen's University will communicate in the following manner:

1. Annual communication to all user groups about the importance of keeping noise levels to a minimum.
2. Post signs to remind organizers, participants and spectators of the importance of keeping noise levels to a minimum.
3. Continue to communicate via website, and explore dedicating web pages exclusively to Richardson Stadium and West Campus sports fields; and

That Queen's University will proactively monitor their West Campus sports fields and Richardson Stadium in the following manner:

1. Establish a dedicated call-in number for residents to register any noise concerns.
2. The contact number will be posted prominently on the Queen's website and communicated directly to residents of neighbouring communities.
3. Any complaint received will initiate an immediate response by Athletics and Recreation facility staff, who will visit the field to investigate.
4. All complaints will be reported to the City Manager, Licensing & Enforcement within 24 hours of receipt of the complaint.
5. Noise clauses will be inserted into all field-use agreements; and

That Queen's will provide a copy of the Noise study to the City along with proposed actions as a result of the study by the end of December 2014; and

That Queen's will report their occurrence and game usage for the West Campus fields and Richardson Stadium to the Manager of Licensing & Enforcement at the end of each month between July 15th and June 30, 2015; and

That staff be directed to research related questions of quantitative noise maximums, and report back to council at such time as, or before an extension or review of the noise exemption is considered by council; it being understood that the report should include, but not necessarily be limited to such questions as:

1. Applicable provincial standards and municipal best practices.
2. Practical measures that could be taken to limit noise, such as the construction of a barrier, or specific actions such as the use of two-chamber rather than three-chamber whistles by referees and coaches.

3. What is necessary for staff to be able to enforce quantitative noise maximums, should they be included in a by-law, and what associated costs might be.
4. Other questions that are identified during research and are deemed to be relevant.

11. Report to Council – May 19, 2015 – Queen’s University – Application for Noise Exemption – West Campus grass and turf sports fields and Richardson Stadium, located at the corner of Sir John A. Macdonald Boulevard and Johnson Street

Council Resolution

That the Noise Exemption and conditions as approved by Council on July 15, 2014 for Queen’s University West Campus grass and turf sports fields and Richardson Stadium, located at the corner of Sir John A. Macdonald Boulevard and Johnson Street, be extended to cover the period between July 1, 2015 and June 30, 2016; and

That Queen’s will report their occurrence and game usage for the West Campus fields and Richardson Stadium to the Manager of Licensing & Enforcement at the end of each month.

**Review of Select Noise Regulations in Other Ontario Municipalities’
By-Laws**

Municipality	Regulation of Whistles	Regulation of Amplified Sound	Regulation of Yelling and Shouting	Comments
Ajax	General prohibition on noise that is audible – no specific reference to whistles	General prohibition on noise that is audible – no specific reference to amplified sound	General prohibition on noise that is audible – no specific reference to yelling and shouting	
Brampton	Steam and air whistles attached to a boiler are exempt; no specific reference to whistles otherwise	No specific reference to amplified sound	Prohibited at any time	Delegated authority to grant exemptions for all types of noise
Chatham	Prohibited 11 p.m. – 7 a.m. & on Sundays	Prohibited 11 p.m. – 7 a.m. & on Sundays	Prohibited at any time	
Cobourg	Prohibited 7 p.m. – 7 a.m. & on Sundays, holidays	Prohibited 11 p.m. – 7 a.m.	Prohibited 11 p.m. – 7 a.m. (9 a.m. on Sunday)	
Cornwall	Prohibited 11 p.m. to 7 a.m., & on Sundays & Holidays, in residential zone	Prohibited at any time in residential zone	Prohibited 11 p.m. – 7 a.m.	

Municipality	Regulation of Whistles	Regulation of Amplified Sound	Regulation of Yelling and Shouting	Comments
Guelph	Prohibited at any time	Prohibited at any time except in an other area – prohibited 11 p.m. – 9 a.m.	Prohibited at any time	
London	Steam whistles attached to boiler are prohibited except to signal or warn	Prohibited at any time in residential zone	Prohibited at any time in residential zone, if 'loud'	Delegated authority to grant exemption for up to 6 months including for sporting events
Mississauga	Prohibited 7 p.m. to 7 a.m. & on Sundays & Holidays, in residential zone	Prohibited 5 p.m. – 7 a.m. (9 a.m. Sundays) in residential zone	Prohibited 11 p.m. – 7 a.m. (9 a.m. Sundays)	
Ottawa	Not specifically regulated	11 p.m. – 7 a.m. (9 a.m. on Saturday), all day Sunday	Prohibited at any time	Delegated authority to staff to exempt for sporting event
Pickering	Not specifically regulated	Prohibited 9 p.m. – 7 a.m.	Prohibited 9 p.m. – 7 a.m.	
Toronto	Not specifically regulated	Prohibited 11 p.m. – 7 a.m. (9 a.m. Sundays) in residential zone	Not specifically regulated	
Vaughan	Prohibited 7 p.m. – 7 a.m.	Prohibited 11 p.m. – 7 a.m.	Not specifically regulated	


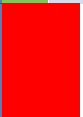



Municipality	Regulation of Whistles	Regulation of Amplified Sound	Regulation of Yelling and Shouting	Comments
Waterloo	Prohibited 7 p.m. – 7 a.m.	Prohibited 5 p.m. – 7 a.m. in residential zone; 7 p.m. – 7 a.m. in other zone (9 a.m. Sundays) in residential zone	Prohibited at all times if “persistent”, otherwise prohibited 11 p.m. – 7 a.m.	Exemption obtained annually for amplified sound for all sporting events at Wilfred Laurier University sports stadium
Whitby	Prohibited 9 p.m. – 7 a.m.	Prohibited 9 p.m. – 7 a.m.	Prohibited 9 p.m. – 7 a.m. when audible off the property	Permits issued allowing for the amplification of voices or sound in a park or recreational area
Windsor	Prohibited at any time in a residential area; 12 a.m. – 7 a.m. in a commercial area	Prohibited at any time	Prohibited at any time in a residential area; 12 a.m. – 7 a.m. in a commercial area	
Hamilton	Not specifically regulated, except exempt when used as a traffic control device	Not specifically regulated	Not specifically regulated	Exemption for all noise at Tim Horton’s Field
Stratford	Prohibited 7 p.m. – 7 a.m. & on Sundays	Prohibited 11 p.m. – 7 a.m. (9 a.m. Sundays) in residential zone	Prohibited 7 p.m. – 7 a.m. (9 a.m. Sundays) in residential zone	

Municipality	Regulation of Whistles	Regulation of Amplified Sound	Regulation of Yelling and Shouting	Comments
Niagara Falls	Not specifically regulated	Prohibited 9 p.m. – 7 a.m. (9 a.m. Saturday, Sunday & Holidays)	Prohibited at any time	Noise from sporting events can be exempted by City
Brockville	Prohibited 7 p.m. – 7 a.m. (9 a.m. on Sundays)	Prohibited 9 p.m. – 7 a.m. (9 a.m. on Sundays)	Prohibited 11 p.m. – 7 a.m. (9 a.m. on Sundays)	
Barrie	Prohibited 7 p.m. – 7 a.m., & on Sundays	Prohibited at any time except, in BIA 11 p.m. – 7 a.m.	Prohibited 11 p.m. – 7 a.m. & on Sundays, in residential zone	
Peterborough	Not regulated	Prohibited anytime	Prohibited anytime	

Noise Bylaw Results

(Completion rate: 94.62%)





The manager of licensing & enforcement be given authority to grant noise exemptions for concrete sawing and finishing on high-rise buildings and should be limited to:




Response	Chart	Percentage	Count
One day per week between the hours of 7:00 a.m. and 11:00 p.m., not on any Sunday or Statutory Holiday		22.0%	93
Two days per week between the hours of 7:00 a.m. and 11:00 p.m., not on any Sunday or Statutory Holiday		37.1%	157
One day per week between the hours of 7:00 a.m. and midnight, not on any Sunday or Statutory Holiday		1.7%	7
Two days per week between the hours of 7:00 a.m. and midnight, not on any Sunday or Statutory Holiday		10.2%	43
Do not change current regulations		29.1%	123
Total Responses			423

Please provide additional comments specific to concrete sawing and finishing on high rise buildings.

The 65 response(s) to this question can be found in the appendix.

Whistles should be allowed to control organized sporting activities








Response	Chart	Percentage	Count
From 7:00 a.m. to 9:00 p.m.		4.8%	22
From 8:00 a.m. to 9:00 p.m.		9.4%	43
From 9:00 a.m. to 9:00 p.m.		17.0%	78
From 7:00 a.m. to 10:00 p.m.		32.1%	147

From 8:00 a.m. to 10:00 p.m.		17.0%	78
From 9:00 a.m. to 10:00 p.m.		9.6%	44
Do not change current regulations		10.0%	46
		Total Responses	458

Please provide additional comments specific to whistles when used to control sporting activities.

The 91 response(s) to this question can be found in the appendix.

Allow amplification of voice or sound for the purposes of playing the national anthem and intermittent game-related PA announcements for organized sporting activities:

Response	Chart	Percentage	Count
From 7:00 a.m. to 9:00 p.m.		4.2%	19
From 8:00 a.m. to 9:00 p.m.		9.0%	41
From 9:00 a.m. to 9:00 p.m.		22.8%	104
From 7:00 a.m. to 10:00 p.m.		25.4%	116
From 8:00 a.m. to 10:00 p.m.		14.0%	64
From 9:00 a.m. to 10:00 p.m.		12.5%	57
Do not change current regulations		12.3%	56
		Total Responses	457

Please provide additional comments specific to amplification of voice or sound on sports fields.

The 74 response(s) to this question can be found in the appendix.

Permit private garbage haulers to pick up and compact garbage in the Downtown Business Improvement Area starting at 6:00 a.m.




Response	Chart	Percentage	Count
Yes		67.0%	298
No		20.7%	92

Do not change current regulations	12.4%	55
Total Responses		445

Please provide additional comments specific to private refuse haulers.

The 57 response(s) to this question can be found in the appendix.

To regulate “routine mechanical noise” of buildings, such as that of heating, ventilating & air conditioning (HVAC) systems, exhaust fans, pumps and other equipment:

Response	Chart	Percentage	Count
The bylaw should provide for a quantitative measure and the City should purchase decibel readers and provide training to staff and police.		23.9%	104
The bylaw should provide a quantitative measure and the City should contract a firm to take readings when a complaint is received.		11.0%	48
The City should continue with its current process: have staff work with the owner of the property on which the noise is being made to address maintenance needs; have noise considered by the City of Kingston in its Official Plan and through site plan agreement; and have noise meet the Ministry of Environment’s noise guidelines.		65.1%	283
Total Responses			435

Please provide additional comments specific to routine mechanical noise.

The 33 response(s) to this question can be found in the appendix.

Do you have any additional comments:

The 84 response(s) to this question can be found in the appendix.

Appendix

Please provide additional comments specific to concrete sawing and finishing on high rise buildings. |

#	Response
1.	noise levels like that should stay between 9am and 8pm
2.	If you're offering "no change from current regulations" as an option, you should state what the current regulations are.
3.	I like included not on Saturdays.
4.	High rise buildings are usually built as part of city intensification. This means the noise will likely affect many people. 7pm to 7am restriction also enforces a rest period for the workers.
5.	It's annoying
6.	they should be able to do the work they need to anytime after 7am and before 6pm. everyday of the week. By hampering this you will be slowing down the cutting and you will be hearing it longer by limiting the usage as opposed to just letting them work the entire week and getting it done.
7.	What are the current regulations?? They should be able to do the job between 9am & 4pm Monday to Friday!!
8.	As someone who lives next to a building being constructed I am subjected to horrendous amounts of noise from 7 am to 5 pm EVERY weekday. Do not interfere with my evenings as well please. It is the only time I can hear myself think.
9.	7am is a ridiculous time to start that type of noise. Mon-Fri maybe Sat from 9-4 would be much better.
10.	Personally I would change the 11:00 pm to 5:00 pm as people should have peace in the evenings.
11.	What are the current regulations? Survey doesn't specify.
12.	The 11pm deadline should be enforced and two days a week seems reasonable.
13.	The faster they can finish the job, the less we have to listen to it all.
14.	@ least 48hrs prior notice to areas deemed affected.
15.	Till 8pm and not on Saturdays.
16.	7:00 a.m. is too early. 11pm is too late.
17.	Work is good, so I chose two days. But to respect people's sleep, I chose; 11pm, instead of midnight.
18.	Concrete finishing, etc. could be permitted two days a week, but no later than eleven pm, as

<p>many citizens would have their rest or leisure otherwise disrupted. Large or over-long projects requiring concrete saws, etc., requiring consecutive exemption ought to seek community approval, or accept cost-overruns incurred from failing to plan a project within bylaw allowances. As a general member of the public, I am pleased to accommodate construction, so long as the noise generated is not a cost I must suffer unreasonably and unfairly.</p> <p>*The survey question does not specify whether the exemptions are limited in issue by the officer, or limited to the applicant.</p>
<p>19. None of the above.. 0800 to 1600 any day</p>
<p>20. Don't know if this is more or less than the present bylaw. It should be more than 2 days and 7am to 9pm</p>
<p>21. The hours should be limited to allow more peaceful sleeping hours</p> <p>800:2000</p>
<p>22. I do not know what the current daytime limits are.</p>
<p>23. I can't find anywhere in the current noise by-law about concrete sawing and finishing. I would like to either keep the current regulations, or the minimum window of noise in the list of options, whichever results in less overall noise.</p>
<p>24. Concrete sawing should be limited to normal daytime working hours, i.e. 8 to 4 Monday to Friday</p>
<p>25. Are you losing your mind? Do you know the decibel rating of a concrete saw in use? It's >102 dBA and it's severely high pitched. Normal working hours only - 7 AM - 7 PM.</p>
<p>26. No residential household (especially families with young children) should ever have to listen to concrete sawing past 7 pm at night. It is my understanding that the current regulation prohibits all Sundays and Statutory holidays and anything later than 7 pm. Concrete sawing which is excessively noisy work and also releases large clouds of gas fumes combined with a location at great height will be invasive at any time; but after work hours, when particularly in the open-window months of the year people are trying to put young children to bed and enjoy their residential yard and home it would be a mistake. I'd ask you to consider also that if the work is in the downtown core the impact on the BIA because people would avoid areas due to potential impacts might affect commercial stores as construction is a known deterrent for consumers. Duration and intensity definitely should be controlled by limiting the impact on neighbouring properties. Even the permitted schedule under existing regulations should have limits of days, weeks etc. It would be my preference that any construction noise exemption be approved by council with a staff report and recommendation justifying a case by case rationale for the possible imposition.</p>
<p>27. I think the Richardson Stadium Redevelopment and potential rejuvenation of Queens West Campus is a positive for our community and will see more job opportunity and community building events if we understand the building process is an important step to be completed with minimum interruptions.</p>

28. What are the current regulations?
29. I do not know what the current regulations are. Corporate and commercial building noises should be prohibited both days of the week-end and on statutory holidays.
30. Construction has to happen. People need to deal with it.
31. I am not up to date on the current regulations so cannot make a choice to what it should be. However if i it is a special circumstance that requires work to be done on building during times that noise by law in place then exception could be made if contractor asks permission.
32. The more restrictions that are put in place of this work, the longer it takes for the job to be completed. I would rather noise 5 days a week at 7 am than once a week for five weeks.
33. If you limit this work to being done only once or twice a week, do you not realize that this "noise" everyone is complaining about will be going on FOR MONTHS? maybe even years? b/c of the delay of work you are causing. We should not limit the amount of work that can be so, SO IT CAN BE DONE AND FINISHED. The sooner its finished, the sooner the noise will stop.
34. The existing by-law seems to have it covered as a standard construction activity. If there were multiple buildings having this done in a small area, then that might be an issue and cause for adding limitations (i.e. one day per building, or somesuch, so the volume of noise and dust wouldn't be completely overwhelming).
35. Additional restricted hours for continuous construction noise
36. Mon to Fri 8am to 5pm,
37. If the second day falls on a Saturday the hours should fall between 0800 - 1600
38. The 7PM cutoff is necessary for health and sanity. Construction firms must be made to plan construction schedules to fit the bylaw, not whatever maximizes their profits.
39. I think two days a week will get the work finished sooner than one a week till midnight. Midnight is too late for most people who must get up early to work. A lot of people I know stay up until 11:00pm anyway
40. I would prefer it be limited to between 7am and 9pm.
41. This is a terribly worded question. Should be broken down into 3 questions: Acceptable Days, Acceptable Start Time, Acceptable End Time
42. 11 pm is too late so all of the above are unacceptable.
43. What is the current by-law???
44. I believe that concrete sawing should be allowed any day of the week between 7am - 7pm excluding Saturday & Sundays

45.	It is obvious that sawing needs to be done in order to complete any new structures. However, if people do not want to hear construction noise, they should perhaps move to the boonies.
46.	would be helpful if you provided the current regulations.
47.	both 11 pm and midnight seem very late for concrete sawing noise - why so late? 9pm seems reasonable.
48.	7am to 5pm
49.	sawing vs finishing have very different noise levels, also 7 am to 11 pm both starts early and ends late for people living in the area. more restricted hours but also more days would be ok, and possibly better define which activities
50.	I have no idea what the current by-law is. I don't have an issue with this. If it helps keep development on schedule I'm on board
51.	Don't know enough about this issue.
52.	Since these are being built in residential areas there should not be any exceptions. I work to pay taxes, I need to sleep!
53.	Do what needs to be done
54.	12 hours a day, six days a week is enough time to do noisy construction.
55.	I think 0700-0000 is a huge window and noise should be permitted several days a week during a more regulated time slot. Like 0700-1700 during the summer and 1100-2100 during the winter months. Something more like that.
56.	This is small and essentially low impact exemption and should be allowed.
57.	7am is already an early start... I'd consider saying after 7pm if they started later. But 11 or midnight is ridiculous - babies, children, people with early work, anyone trying to be happy in their home
58.	Almost every skilled labourer in the trades works from 8:00 a.m. until 4:30 p.m. This is when any construction work should be done.
59.	There should be no such noise before 8am or after 8pm
60.	There seems to be no good reason that concrete sawing should go on that late, except extremely poor organization
61.	The noise is only got a short time..let them get the job done as fast as possible
62.	It should not be necessary to be overly permissive of sound intrusion. Concrete pours could be done late in the work day and allowed to cure overnight so that the noisy sawing and finishing operations may be done during the day. Permitting concrete sawing and finishing into the late night by a bylaw revision or by "routine exemption" will increase the incidence of late night noise as project managers use this increased scheduling flexibility at the expense of residents living nearby.
63.	11:00 is too late

No to Sunday concrete sawing
64. Use the NPC 300 guidelines to set limits the excessive noise - contractors must have some responsibility to contain their noise.
65. Unless it is emergency work, companies need to work with the bylaws, not try to get around them.

Please provide additional comments specific to whistles when used to control sporting activities. |

#	Response
1.	If you're offering "no change from current regulations" as an option, you should state what the current regulations are.
2.	Don't do anything that would discourage physical fitness especially when the sports fields were in all likelihood there before the whiner moved into the area.
3.	7am to 9pm is the current regulation. I think this is sufficient.
4.	Too early on weekends is awful
5.	You want people to be active. People live near sports fields they should expect noise & whistles! keep them play!!
6.	I live right across from Richardson Stadium and hear enough loud noises. Please do not allow it to continue late into my evenings. I am supposed to be able to relax in mu evenings which is hard to do with whistles blowing all the time.
7.	I can't believe people complained about the whistles to begin with. I doubt there are many disruptions in the early hours.
8.	Whistles are a minor disturbance. I do not feel there should be any limitation on their use for organized sports.
9.	Whistles at public parks and sports fields should be allowed beyond a 9:00am to 9:00pm time. Private groups that build next to existing residential areas should not receive any exemption beyond that time.
10.	I feel as though this is targeted towards Queen's University and Richardson Stadium and that seems unfair. With a focus on healthy living and community building this should be permitted.
11.	Let's encourage sports, let's get our city active an involved. Let's get this community involved in local sports!
12.	Would be nice to know what the current regulation is.
13.	Again, to respect people's sleep, I chose the smallest time period of all.
14.	Whistles ought to be permitted between eight am and nine pm; the morning would not be disrupted before general daytime business, and the evening not spoiled for those not participating. Sporting events, while exciting, are not necessary to be conducted outside of customary daytime hours, unless played in a contained structure where noise generated can

	be controlled. I think a decibel and minimum distance from habitation could be set for exemptions.
15.	Could a timeframe of not so early in the morning and not so late in the evening be considered?
16.	Should be like all others and allowed to 11:00 pm.
17.	I don't find whistles loud enough to bother anyone outside of the game area
18.	As someone who until recently lived adjoining Jim Beattie Park, I can attest that whistles simultaneously blowing from 4 different games from 7 AM until 11 PM all weekend long, and most weeknights from after-school until 10 or 11 PM, was impossible to tolerate, and was a major factor in our decision to sell and leave that area. Heaven help the poor people that bought our house.
19.	And not on Sundays or Stat Holidays. People should be allowed to have at least one day of peace and rest.
20.	Obesity epidemic. Sports wins. 7 am to midnight.
21.	Not within 500m of residences, or restrict to 7am to 7pm
22.	It isn't ignorance or rude, it's to manage a game where people are trying to be physically active. Limiting times to use whistles is ridiculous in the first place.
23.	Please keep in mind that most fields are near residential areas and many have young children whose bedtime and sleep time would be interrupted if noise is allowed past 9 p.m.
24.	Low dBA whistles only
25.	Whistles should not be defined as noise. They are used to maintain safe and organized play and sport activities. They are not abused by referees to cause 'noise'.
26.	Intramural games can run until 12am. Whistles are needed to control these events.
27.	I firmly disagree with the tactics Queen's Athletics has used to pursue exemptions to the city's by-law regulations — namely, by stoking fear and disingenuously appealing to emotion in an attempt to secure student and community support. As a Queen's student, I believe their reliance on red herrings and dog-whistle lobbying should not be rewarded with further exemptions and/or revisions to the rules.
28.	without the allowance of whistles, most organized sports cannot be played and would therefore mean many can not have a balanced active lifestyle. This would have a ripple effect on so many other aspects of the person's life as well as the community support systems: healthcare, etc
29.	Whistles must be permitted. It is my understanding the current regulation does not allow this so I strongly believe it must be changed. If construction noise is permitted at 7 am then it seems reasonable that sporting whistles should be allowed to commence at that time. I believe that outdoor fields are most busy from late afternoon and then into the evening. The whistles themselves, if specific models are used, might be an annoyance if excessively applied; however, it is the accompanying game and practice noise that is the critically impactful noise. It is louder and more invasive than whistles. It is the shouting and other noise especially involving large groups of spectators that concern me personally. I expect amplification will always be strategically controlled. Still, that said I believe 10 pm is a

<p>reasonable time cap to end the day provided a few other control measures are taken by the city of Kingston. There must be some limitation to the duration and intensity in terms of number of days in succession, number of days per month and number of consecutive hours during a day. Special 'single occasion' exemptions should be required for use on statutory holidays. The intent of educational zoned property is education. Yet, increasingly institutions are turning to additional sources of income and therefore are adding commercial-style intensity of use to their educational properties with good reason. Still, there must be some limitations on this growth that protects the rights of residents to enjoy their home without undue assault of noise. Sympathetically remember, these institutional sites are directly surrounded by many millions of dollars of family homes. The fields of institutions and the city have had numerous complaints that represent a fraction of the actual interference of the noise. Many times people simply do not complain but that does not make the noise fair play. So, in conclusion I beg the city to consider the total noise that will be impacted on the surrounding homes to recreation sites and not just compartmentalize the impact to 'whistles' or 'amplified'. By the admission of the sound engineer of Queen's recent study there is little that can be done to STOP the noise of acoustic shouts, yells etc. but we definitely know that loud noise accompanies events and practices. Provide relief through limitations on intensity and duration if you change the existing by-law!</p>
<p>30. This is crazy, if the people who live in the area don't like it (MOVE)</p>
<p>31. whistles do not induce a significant noise and are used infrequently.</p>
<p>32. whistles are part of many sporting activities and is necessary when engaging in outdoor activities. The extension of time to 10 pm allows for more physical activities especially if facilities have lights...this is a very good thing for an active community.</p>
<p>33. same rules should apply to the fields as with the city fields...</p>
<p>34. We should celebrate noise from fun and fitness - not discourage it!</p>
<p>35. I live north of the stadium and fields and love the idea it will be further develop and can potential be an important hub for community activities as the younger generation that are moving into the area grow up.</p>
<p>36. It is unclear what the current regulations are in this question. The "Do not change current regulations" should include what those regulations are. Are they more or less restrictive than the other options?</p>
<p>37. This is silly. How can you encourage sporting activities if you limit the playing time? Kingstonians, dont you have better things to do?</p>
<p>38. In residential areas or immediately adjacent to a residential area, 8am-9pm Monday-Saturday & 9am-9pm Sunday.</p>
<p>39. I do not know what the current regulations are. It would have been a good idea to be provided with a summary of it.</p>
<p>40. I have lived beside multiple sports fields, this has never been a problem.</p>
<p>41. How else are sports officials supposed to control games and the situations that arise in them?</p>
<p>42. whistles are a required part of sport. In order to have engaging and meaningful</p>

<p>participation whistles are necessary for sport and should not be limited to daylight hours. In order to encourage and promote active lifestyles, teamwork, competition, etc. sports fields need to be used when it is convenient for those playing to use them, after work and in the evenings.</p>
<p>43. Whistles are not loud or frequent enough to be of nuisance.</p>
<p>44. It astonishes me that whistles used to control sporting activities is considered noise! Is Kingston going to do anything about train whistles at certain hours of the day, because last time I checked those were a little more disruptive. I think this noise bylaw is a little too sensitive.</p>
<p>45. Are any whistles being used that late in the evening anyways? Queen's University i'm pretty sure only ever has events on West Campus Field during the day or early evening. Intramurals, and in season trainings do not require whistles and those are the only events that go late into the night. There is therefore, no reason for discussion or whistles because whistles are only being used for the most part on weekends in the middle of the day.</p>
<p>46. Whistles are integral for coaching and refereeing on sports fields and they need to be allowed whenever a field is in use. If the lights are permitted to be on until 11:00pm then whistles need to be as well.</p>
<p>47. We continually hear of our societal obesity problem so why would we place ridiculous limits on people who are actually looking to engage in physical activity? The whistle limitation is ridiculous and needs to be eliminated or at least expanded to the most hours possible. We need to encourage participation not put up barriers against it.</p>
<p>48. Whistles should not be considered a violation. If it must be implemented 11 PM is justifiably reasonable. If someone can't sleep or is annoyed by the occasional whistle then there are deeper issues than just sports events</p>
<p>49. Stipulate the type of whistles that can be used ie the pea less whistle</p>
<p>50. Long and short if you live near a facility that has sports fields this should be expected.</p>
<p>51. Perhaps this something that needs to be specific to sports fields and stadiums, as opposed to being lumped in with residential. After all, that's what those facilities are for, and noise can only be expected if they are being used as intended. Perhaps for practice sessions and those events that are earlier in the morning or run later in the day it would help to limit who can make the noise (i.e. coaches, if it's a sport; no marchng band practice at 9:00 pm, etc.)</p>
<p>52. Whistles should be allowed up until 11:00pm in the evenings.</p>
<p>53. It must be nerve wracking to live close to a field with the potential of hearing whistles day after day in the summer.</p>
<p>54. nothing during the day ... exercise is healthy</p>
<p>55. Whistles are not particularly bothersome to me, even living near a field. It's a sign of a physically active community!</p>
<p>56. If the city is truly committed to the health of our residents, a change in regulation needs to occur. While amplified noise and sport whistles are intentionally disruptive, they are necessary to run safe, quality events that promote physical activity, sport, and community.</p>

57. It should exclude w/e though unless it is already in current regulations
58. Whistles have been used to regulate sporting events on Kingston Fields since the late 1800's. The first high school football games were in 1897 and whistles were used then. These are not 'noises' but rather integral equipment to the proper conduct of the game regulating stops, starts, and control. In an age when our young people need to be encouraged to play more, we need to enhance the opportunity for games and the use of whistles is part and parcel of many of these sports. They are not used willy nilly. They are used with and for a purpose...game control and player safety.
59. Again terribly worded question.. should be broken into 2 questions... Acceptable Start Time, Acceptable End Time. There should be a link to or description of Current Regulations.
60. Again, what is the current by-law???
<p data-bbox="253 695 1377 758">61. Anyone involved in organized sports in this city need to get involved to have changes to this bylaw! There is an absurdity included in it.</p> <p data-bbox="315 825 1380 884">This bylaw needs some tweaking with respect to whistles. In part A whistles are completely banned from use in the city.</p> <p data-bbox="315 903 1328 961">I suspect when the bylaw was written the banning of whistles was to control "industrial whistles" such as steam whistles used to signal shift changes in factories, for example.</p> <p data-bbox="315 1026 1370 1119">Now according to the city representatives at the public meeting concerning the noise bylaw last Thursday this includes referee whistles used to control play in sports. So if there are complaints about using whistles at sporting events, the referees must stop or face a fine.</p> <p data-bbox="315 1184 1380 1306">To better appreciate this most of the attendance at the meeting and likely those filling out the survey are opposed to the use of whistles on sports fields. Particularly at St. Lawrence and Queen's but, this ban applies to the entire city. Which includes all city and school sports fields, gyms, pools, and rinks.</p> <p data-bbox="315 1371 1351 1463">The bylaw does allow musical instruments to be played from 9am until 9pm, anywhere in the city. So for example a soccer referee could blow a trumpet to stop play but, not a whistle. Make sense?</p> <p data-bbox="315 1528 1364 1650">Further there is no distinction between noise from inside a building or from outside. Example, my son a trumpet player can play his trumpet from 9am until 9pm outside on the lawn but, from 9pm until 9am he can't even play it in the basement. (not that he should be able to)</p> <p data-bbox="315 1669 542 1698">Why point this out?</p> <p data-bbox="315 1764 1360 1818">The bylaw public meeting I attended was held at the Invista Centre and was often interrupted by referees blowing banned whistles to control the games. Since noise bylaws</p>

<p>apply to both noise generated inside or outside, the hockey referees like the football, soccer referees and pool lifeguards are also violating the bylaw.</p> <p>So if the current bylaw isn't modified to allow sport referees to use whistles in theory all sports using referee whistles should cease. Both inside and outside sports or, referees need to start using trumpets.</p> <p>Is there an economic impact? It's not worth running a summer youth soccer tournament that last summer brought 3,500 families to the city over two weekends. Ditto, all the other sport tourism, including the inside sports. If, fines for blowing whistles are a risk, it's not worth holding events in the city.</p> <p>While the preceding seems like an absurd situation it is exactly that which needs to be changed.</p> <p>Do it so that ourselves, our children and sport tourists visiting our city, to spend money, can continue to play sports.</p>
<p>62. If the by law is passed to stop whistles on sports fields, sport in Kingston will suffer, the teams that represent this great city with passion and pride will become the laughing stock of the larger South Eastern Ontario area, just think how teams from Ottawa and Toronto will view the fact a referee at a soccer game isn't allowed to use a whistle because of this stupid bylaw. The laws of the game state that referee must use a whistle, this will ruin outdoor sport in the city.</p>
<p>63. These changes would affect our way of life.I live near a sports field & would be significantly disturbed by the whistle of the sporting events.</p>
<p>64. physical activity is important to the health of any community and limiting the use of whistles at organized events will limit how effective a sports organization can contribute to the health of city residents and participants.</p>
<p>65. Kids playing sports and any type of physical activity should not be given a time frame. In a society where children are becoming more involved in electronics than sports this would be awful. You would increase the city's revenue with fields open and running as well as any child's health</p>
<p>66. My choice is based on an assumption that the current by-law is restrictive and selective - allowing a means for public input & city control, if change is sought by an organization for regular or special events. The fewer and lower volume whistles the better, although whistles are not as irritating or significant as PA sounds.</p>
<p>67. Absolutely - we should encourage organized sport as much as possible for the health of our community. My understanding is that the City already operates it's fields until 10pm or later, the bylaw should be updated to reflect this - and offer consistency for all field owners in the city.</p>
<p>68. this will allow practices before school, and will allow social sports that run in late evening.</p>

69.	For sport teams whether it be part of a variety program or inter-murals I think it is really important that whistles be allowed at a range of hours. If we want to build a healthy community the only way we can do this is by promoting sports and their programming. With the high number of people wanting to participate in a limited space we need longer hours to accommodate them all!
70.	The regulation could stipulate that the whistles only be used for appropriate sport related uses by a referee/official.
71.	How loud could it be? This doesn't seem like something that would create enough noise to warrant a By-law.
72.	The current bylaws are not at all unreasonable. I see no reason that they should be changed for this matter.
73.	I live across Johnston St. from Queen's West campus. Since the new playing field was built-right up at Johnson when there was lots of space closer to the Faculty of Education buildings i can not use my backyard. I have a waterfall but that does not mask the noise. It is incessant whistles, screaming and cheering. And you want to extend the times! It goes on all weekend. I am tired of the city always pandering to Queen's, and I work at Queen's! It has destroyed my property value. I plan to sell in the dead of winter as only a fool would buy it in summer.
74.	Whistles should have certain noise limits in the kind that are used. They are disruptive to sleep patterns in the community and should be limited in their time
75.	Let the kids play.
76.	Sporting events are a part of social stability in youths
77.	I live immediately next to a highschool's football field (Frontenac) and am not bothered by it's current use of whistles/shouting. Kids are kids.
78.	9-9 is very memorable and not too restrictive, but ensures minimum disruption.
79.	By keeping current by-law in regards to whistle sound, city can stipulate to event organizer what type of whistle is being used during an event, thus controls noise impact on the neighborhood. There is no need for city to give-up its roll of protecting its residents from excessive noise. At the same time, more authority should be given to city by-law licensing and enforcement officer to streamline the process. There is no need to have full city council to vote, if just few days a year exception is applied for. If the event organisers would trigger complaints, the city officers would be able to withdraw their exemption.
80.	The major outdoor competitions involve Queen's/RMC/St. Lawrence students. The locations for almost all of their competitions is partially or totally within the respective institutions. The provincial/national level competitions take place well before 9:00 p.m. on any given day, and mostly on weekends. There is no need to expand what is already in place.
81.	Use of 90 decibel or lower whistles should be mandated
82.	Whistles should be allowed during sporting events regardless of the time if it ensures participant safety.
83.	There should be no such noise before 8am or after 8pm

84.	Whistles are incredibly annoying and obnoxious. They are designed specifically to get people's attention. It is almost impossible to enjoy normal day to day activity in one's home and yard much less try to sleep through this type of activity. Considering how disruptive this activity is, it should never be allowed in residential areas without a noise exemption. Changing this by-law is asking for trouble. No one in a residential area should have to put up with this.
85.	Whistles at 7am are you kidding me? There seems to be no limit to the days this would be allowed
86.	It's a game! Relax
87.	The options as presented above are inadequate to maintain reasonable protection for residential neighbourhoods - particularly those in the vicinity of very heavily used fields such as the newer artificial turf fields have become. While it is prudent that the noise bylaw should recognize whistles be permitted for the purpose of controlling sporting activities, it is also critical that the City maintain a measure of control regarding the maximum permissible sound level and duration of a whistle blow and also place reasonable limits on the number of times whistles can be blown in succession. Occasional whistles used to halt play in a soccer game are one thing while strings of whistle blows in close succession, time after time, during drills etc. are an entirely different matter (and should be regulated). None of the options presented above indicate there will be any regulation during permitted times.
88.	It would help to know the current regulation since not changing it is presented as a choice. One doesn't know if the other choices expand or contract the noise period. That being said, 9 pm is plenty late enough for a neighbourhood to be disturbed on any regular basis.
89.	Whistles, especially for sports training drills, can be very disruptive in residential areas of the city.
90.	Whistles only for games. Not to be used for repetitive drills!. Lower volume whistles to be mandated - maximum rated volume 90 db.
91.	Whistles on public sport fields should have more exemptions and times of day from 7:00am to 10:00pm. Private and commercial organizations however should not be able to profit off of disturbing the peace of neighbouring residences. The power play centre has grown men yelling, swearing, screaming and banging boards up to 11:00pm at night and bylaw is no where to be found.

Please provide additional comments specific to amplification of voice or sound on sports fields. |

#	Response
1.	If you're offering "no change from current regulations" as an option, you should state what the current regulations are.
2.	

3. People have to sleep!
4. What about the noise at fort henry when it comes to the run or dye or color run events, proms, etc. It's freaking deafening at 7 am and I work night shifts. Or the music blasting until 1am. For the people in base its amplified!!!
5. Can you regulate the volume of those speakers? Why do they have to be so loud. I live close to the intersection of Sir John A and bath Rd and can clearly hear the speakers from Richardson stadium from my house. If I wanted to go the event I would. They should not be allowed to have their speakers heard beyond the stadium itself.
6. Again, my evening is supposed to be a time to relax and recoup from a hard day. Difficult to do with loud announcements from the stadium across the street.
7. Organized sports provide a major economic benefit to Kingston. We should strive to accommodate them.
8. Exceptions should be made for the national anthem and a welcome before 8:00am. Any other related PA announcements should be after 9:00am
9. It fits within the noise by-law. If you are going to allow construction noises to finish a high rise building, whistles and PA amplification should be allowed. Development should not be out ahead of sporting events.
10. within reason and not within 200 meters of private dwellings.
11. Here, I chose, nine to nine to match the time period of the whistle, above.
12. More so than whistles, voice can be extremely disruptive and distracting. Living near to Queens, I can personally attest to the nuisance amplified voices and sounds can make outside of sociable hours. Anthems played after nine pm signal extended nighttime activity, and when applied to Queens specifically, the boisterous behaviour which can reach two am could lengthen.
13. I agree with amplification for the national anthem and for intermittent game related announcements, however we have been exposed to amplification in between the above noted of loud music for whatever reason.
14. Not sure current, is that until 11:00pm? I would like to see it until 11:000 pm. When people purchase a home near a sports feild, they should know that it is used for sports. If a sports field was added after, be happy if was not a mall.
15. Try living next to it and see how you like it.
16. And not on Sundays or Stat Holidays. People should be allowed to have at least one day of peace and rest.
17. See above
18. The city should adopt decibel level criteria at nearest residences

19.	Not on Sundays or statutory holidays. No music whatsoever and speakers aimed inward toward the field of use
20.	PA Announcements , when crowds are present, are important for crowd control, public safety, and to provide information and direction. PA announcements are not necessary unless there are audiences. The National Anthem is always presented with decorum and should not be overused but also not be legislated against.
21.	I firmly disagree with the tactics Queen's Athletics has used to pursue exemptions to the city's by-law regulations — namely, by stoking fear and disingenuously appealing to emotion in an attempt to secure student and community support. As a Queen's student, I believe their reliance on red herrings and dog-whistle lobbying should not be rewarded with further exemptions and/or revisions to the rules.
22.	A yearly exemption should always be required. It should be permitted based on the previous performance and satisfactory adherence of the applicant to mutually agreed standards. A comprehensive staff report should inform council who then in turn votes whether to approve a new (one year) exemption including any changes to duration or use. All residents should always have fair opportunity to inform that council decision each year. An example, at present I have no problems allowing the 'west campus exemption' to be renewed as the intensity and duration of use is at an acceptable level (in my opinion) and Queen's University has rallied to provide strong governance of the site's impacts; however, I would have concerns if Kingston FC returned and the frequency of impacts again significantly increased. I have no problem with the yearly exemption of the above limited amplified voice and sound occurring between the hours of 7 am to 10 pm (which I believe is an hour later than their current exemption but the same as St. Lawrence College's present exemption). I do not think a 'permanent' exemption should be granted as the above survey question seems to suggest is appropriate.
23.	For Varsity Games, Special Events, Etc.
24.	PA announcements are only used in major events which occur at reasonable times of day.
25.	For more elite sporting events, this is necessary and can be managed according to bylaws that exist with the city of kingston's activity schedule. Double standards are not acceptable in a municipality that is focused on creating an active and healthy community and working to draw significant economic development to the city via sport tourism.
26.	Anyone who is annoyed by music and celebration shouldn't live near parks and stadiums!
27.	We should be encouraging sporting events in the City. I am particularly in favour of allowing Queen's to continue use the sport fields at West Campus with out encumbrances. Amplified activities are typically limited in time and frequency and most of the residents that moved into the vicinity of west campus did so knowing that the stadium and other varsity training/competition venues were there.
28.	Part of the atmosphere I enjoy living close to.....
29.	This type of noise is HIGHLY disturbing to residential neighbourhoods and should not be allowed except by case by case exemption. The survey is biased in favour of a changing the current regulations due to the fact that they are not even listed.
30.	Playing music before games, during stoppages of play, between periods, after games and between games in the case of tournaments should NOT be permitted nor exempted.

31.	I do not know what the current regulations are. Therefore, the last option is always a tough choice to make.
32.	If you move into a house beside a sports field, there is a reasonable expectation that there may be sports anytime from 7am to 10pm. Similar to living on a busy street or near the causeway.
33.	Who could possibly complain about the playing of the national anthem; it takes roughly 70 seconds to complete.
34.	Fields are not typically used every night by sports groups so the noise by whistles would not be constant each night. Also outdoor sports is only played over approximately 3 months in the year.
35.	When you live in residence and have to share your double room with a stranger, or share the paper thin walls with the party animal next door you learn that ear plugs are a fantastic way to block out disruptions and enjoy a peaceful sleep. This is a life lesson that everyone should learn.
36.	Again, these things are only used at game times which are DURING THE MIDDLE OF THE DAY. It is therefore not necessary to change the regulations because they are being used at reasonable times.
37.	The national anthem should be able to be played whenever found applicable
38.	Other amplified sound should be allowed from 9:00am to 8:00pm provided that it does not exceed city allowed decibel levels.
39.	Our facilities in Kingston are desirable for users both locally and externally so to hosting and attracting events is both economically and geographically feasible. Support with operational timelines would be an asset to increase the use of these venues.
40.	Again, if you live near a sports complex/field this too should be expected.
41.	I think this is especially important for charity events occurring during the day on weekends. I have been part of events in the past that have been warned and/or ticketed for noise violations during the afternoon on a Saturday for playing music at St Lawrence College, which is not especially close to any houses. I can understand if music was playing past 9:00pm, especially on a week night, but on a weekend afternoon I think this should be permitted.
42.	As long as it's not continuous and is game-related and, with regard to the PA announcements, necessary (i.e. the players/target audience would not hear unless amplified).
43.	Amplification of sound became a nightmare for all residents across St. Lawrence College sport field. There was one event (special Olympics) in the summer when I couldn't open my windows because the music was so horribly loud. I had to endure it for the most of the day, despite city and police being called. These events usually happen on weekends, when you should enjoy being home/in the garden. Any rest is out of question if you have loud music all around you. I do not wish to live in noise pollution and I am not intending to move from the neighbourhood. I absolutely oppose any amplification of sound on any open sport fields.
44.	Any amplification for sport should be allowed up until 11:00pm in the evenings.

45.	9:00 to 8:00 - be considerate of those with young children going to bed at an early hour and would like to have the window open as opposed to running an air conditioner.
46.	sports is a healthy activity ... less obesity, more fun, less stress
47.	If the city is truly committed to the health of our residents, a change in regulation needs to occur. While amplified noise and sport whistles are intentionally disruptive, they are necessary to run safe, quality events that promote physical activity, sport, and community.
48.	With the increasing growth in "sports tourism" in Kingston we have moved away from sports being a local, neighbourhood activity to it becoming a business, one which should not be allowed to super cede the rights of adjacent residents to enjoy peace and quiet in their homes.
49.	The actual number of times that amplification is needed is quite small. It should only be required when there is a crowd of people at a game. Then the amplification is critical for public safety and crowd control. In an age that focuses on security and safety, it would be prudent of the City to allow amplification when required. Again, this will not be used in a uncontrolled fashion. It would have a purpose within the context of the game being offered.
50.	Again terribly worded question.. should be broken into 2 questions... Acceptable Start Time, Acceptable End Time. There should be a link to or description of Current Regulations. There should also be a definition of 'Sound'... voice is one thing, music is quite another. Amplified Sound should be measurable and the guidelines should reflect acceptable decibel levels.
51.	Current regulations???
52.	There is no difference between noise generated inside a building or outside same rules apply everywhere. Kingston Clippers are, for example, developing semi-professional soccer teams in the city. The authoritoizing sports organizations require this service as part of participation.
53.	It was just last year that Queens requested a change & that came about with restrictions. We don't need to revisit this again. I'm
54.	Sports fields across the city have been there for many years. Richardson Stadium has been at the same location since 1971 and is a loved institution to support our local university students. Any residents living in this area should have taken the close proximity of the stadium before buying a home in that area. Not allowing a stadium to fully operate as a stadium should is like someone who moves in the area of a waste facility saying that they shouldn't be able to smell the waste when the wind blows in their direction.
55.	My choice is based on an assumption that the current by-law is restrictive and selective - allowing a means for public input & city control, if change is sought by an organization for regular or special events. The distortions of announcements etc on PA systems is very irritating, when one is trying to enjoy one's yard.
56.	Absolutely - we should encourage organized sport as much as possible for the health of our

<p>community. My understanding is that the City already operates it's fields until 10pm or later, the bylaw should be updated to reflect this - and offer consistency for all field owners in the city.</p>
<p>57. Again to have the largest participation in sports we need to have fields available to participants at a wide range of time and for night games PA and music is sometimes required.</p>
<p>58. I trust that it will continue to be the case that there will be no amplified music permitted on the West Campus sports field.</p>
<p>59. The regulation could stipulate a maximum db level so as to impose reasonable limits on the volume.</p>
<p>60. Sporting events are a great way to involve the community. Make it an event.</p>
<p>61. Giving sports a free pass on bylaw regulations that everyone else must follow seems like a foolish idea. They'l just have to work within the current, reasonable regulations.</p>
<p>62. There is no need.</p>
<p>63. Sports are different from sports entertainment and amplified sound should not need to be a part of a game. If amplified sound is allowed for a high level sports event, it should be limited to a few hours on a small number of days.</p>
<p>64. Noise levels from sports fields should not exceed permitted traffic noise levels in residential areas.</p>
<p>65. Sound amplification is a very important indicator of the size of the event. It distinguishes between small community / neighborhood type of an event taking place in your neighborhood playground where neighbors come together to have fun, and large commercial event for profit where large crowd of spectators attend. Those second events belongs to designate stadiums where impact on residential neighborhood can be properly controlled and mitigated. Owners of those large events due to events frequency and impact on neighborhood should not only collect their fees, but foremost should be responsible for cost of mitigating the impact of their activities on residential neighborhood. The inexpensive solution for them would be to lobby and get lenient noise by-law</p> <p>Noise is a pollution as any other. City should be protecting its citizens more rather than less from it. If the streamlining of noise application is required than the issue should be looked at, but city should not give up its duty to protect the quality of live in residential neighborhood simply for the reason of convenience. There is growing awareness of danger coming from noise pollution. There are community outlawing usage of gas powered lawn tools on Sundays, some community enforcing noise level standards for gas powered garden tools. Bottom line is that our City should be taking more care of quality of life in residential areas and regulation should not be relaxed, instead, better protection is needed.</p> <p>For once it is very difficult to define and enforce "intermittent". The other thing is that right now it takes about 3 hours for city by-law officer to respond to a noise complaint. Not much better is response time of Kingston Police to the noise complain. By allowing "intermittent" we are losing all the control and protection available to affected residents.</p>

66.	As above. The competitions for which such amplifications would be required occur during the daylight hours so that student athletes can return to their home campuses at a reasonable hour. There is little need for expansion for other users.
67.	For special events, there can be an application made for special exemptions
68.	There should be no such noise before 8am or after 8pm
69.	No need to change current by-law. These activities greatly decrease the quality of life for those living near these types of activities. As such, those wishing to use amplification should have to apply for and get an exemption - this is not onerous considering the impact on citizens.
70.	Again, why so early and no days specified
71.	Amplified sound is not, nor has it been in the past, a fundamental aspect of our ongoing "community" sporting activities. Our youth and adult leagues play games regularly without amplified sound, and can continue to do so. Permitting amplified sound is problematic because most playing fields are situated in close proximity to residential housing. Amplified sound has become a touchstone issue for some elite clubs and organizations for the purposes of providing "full fan experience" - in other words, entertainment. Use of amplified sound in residential zones should remain an "exceptional" occurrence and the City should continue regulating it through carefully considered event exemptions.
72.	See above, applied to amplified sound.
73.	Local community games, including city leagues, do not require amplified voice or sound. This is only a requirement for groups who are wanting to promote sports "entertainment" events and who have an interest in selling tickets. This does not belong in residential areas. Special events and season finals can be accommodated using the existing regulations for special event exemptions if necessary.
74.	An organization should be able to work within the 9:00-9:00 times for this.

Please provide additional comments specific to private refuse haulers. |

#	Response
1.	They already start at 6am.
2.	Living in a residential area that backs onto a business should not have to be woken up before 6am by garbage being picked up at a business. I am not sure what the time regulations are but I know getting woke up between 330-530am by the sound of a huge garbage truck picking up & compacting garbage makes for not so nice days.
3.	If you're offering "no change from current regulations" as an option, you should state what the current regulations are.
4.	Not before 7 a.m.!!
5.	Makes sense to have it done prior to congestion starting.

6.	Confine this to a specific day so that all private refuse haulers must operate on the same day starting at 6am. This makes it predictable and constrained. Otherwise, neighbouring businesses may use different companies and the noise is made every day. We want to encourage people to live where they shop.
7.	But I don't live in the downtown area, and would support anyone who does, and wants early am quiet.
8.	There is no reason why Trash collectors couldn't collect garbage anytime during the night. Doing so after 6am can put a strain on traffic. Keep in mind. even though they start at 6AM they are not done at 6AM they are not done until 9ish picking up trash downtown. many other cities permit trash collection earlier then 6am and so should we.
9.	Only in business areas to reduce the presence of trash when transit users are arriving and trying to get to work. Not a fan of this idea near residences though.
10.	I have one that does pick up behind me it is very disruptive wakes us up when the windows are closed in the winter
11.	Get the garbage from the business areas first. This will allow the city to look well looked after and pick up residential a bit later.
12.	consideration must be taken on how traffic during rush hrs would be affected.
13.	I've been woken up by our garbage truck at 6am and I am not downtown.
14.	I had to say no as I do not know the current regulation.
15.	During the year on average, the sunrise is, my guess: at nine o'clock. So, 9:00 am is my decision. The reason is that, garbage pick up may be done during daylight hours, when it is safer.
16.	I don't know what the current regulation is but I think 7am would be sufficient. I live in the downtown area and most people are awake by 7 but getting woken up at 6am would be bothersome.
17.	I hold the general view that private business should not disrupt public peace. Having lived in communities that permit late and early pick-up of waste, I can speak to interrupted sleep. Exemptions ought to be permitted for areas where decibels and distance from habitation is sufficient to cancel any disruption to the public, eg. transfer or mustering.
18.	6 a.m. is too early. As the above changes are indicating with timeframes a key ingredient being missed is that Kingston has a large population of seniors, and shiftworkers. In the downtown core there is a degree of rental residents and with the historic component taken into consideration I am sure a lot of the units do not have triple pane glass additional insulation or sound proofing etc.
19.	I am not sure what the current rule is but city workers start at 6am downtown already and this is VERY early. If you are trying to encourage people to live downtown in the coming yrs, it would be nice to move this to 7am. This is a time when almost every working person is awake. If you aren't changing the city workers, then why have a different time for the

private companies?
20. Start at 8am
21. I believe it would be beneficial to have garbage picked up before rush hour traffic begins.
22. The City of Kingston picks up and compacts garbage that early, so private operators should be allowed to as well.
23. we need to support people who wish to live in the downtown core by making it easier and more comfortable - this change will chase them away
24. Also, there is no reason for the City's garbage and recycling trucks to begin picking up and compacting garbage in residential areas at 5:30 AM, as is the case in my area in Kingston West. They should have to operate within the parameters set out for any other "noise" in the bylaw, i.e. not before 7 AM.
25. Not fair ro change it for the exiting residents jsut to pander to Queens
26. Garbage trucks idling outside my house at 5:50 am waiting to start throwing around cans at 6. Downtown residents should have the same weekly joy.
27. 7am-10am, to limit the impact on residents and business
28. I would suggest a 7am start time.
29. Remember that this noise is amplified in between buildings.
30. Too early.
31. The rules pertaining to city refuse haulers should apply to private refuse haulers.
32. They're pretty loud and wake everyone up. It should begin at around 8:00 Am
33. A 7 am start time seems more appropriate.
34. Getting it completed early is a great idea.
35. What are the current regulations?
36. same as previous comment
37. I don't live downtown and have no comment
38. It is difficult to sleep when the Progressive Waste Solutions truck idles in the Tim Hortons parking lot to pick up garbage prior to 7 AM.
39. Just limit the days in the week that this can be done. If there are multiple private haulers, then set up zones in the DBIA so that no one area has to deal with all the noise for every day of the week.
40. City trucks should not start until 7 am either.
41. I would say from 7. (donot know what any of bylaws say)
42. before people come to work makes some sense
43. A 6 AM start is not compatible with Kingston's objective of increasing residential densities in the downtown core. Residents must be protected from excessive noise levels at

	unreasonable times of the day, i.e. too early in the morning or too late in the evening.
44.	They can be very noisy especially in nicer weather when windows are open 7:00am is early enough
45.	I have rental properties down town and pickups before 7:00 am would reduce the quality of live greatly.
46.	Where's the Downtown Business Improvement Area? And shouldn't this be directed to those who live within that area? A better question would be to first describe the 'Downtown Business Improvement Area, then ask whether the respondent lives within that area, then, if yes, ask about garbage hauling start times. Also, what time do they currently start?
47.	Not before 9am
48.	Current regulations???
49.	I really hate biking behind a garbage truck at 8am. I would much prefer this being done early in the morning when there is less traffic.
50.	Get it done before the morning traffic rush starts, so traffic moves quickly.
51.	Yes, the city downtown smells not very nice in the morning. At the same time garbage haulers should use equipment that is not as noisy as the one they are using now.
52.	Unfortunately, we as citizens create far more garbage than is necessary; and it must be picked up.
53.	There should be no such noise before 8am or after 8pm
54.	Many people live in the downtown business improvement area above the storefronts. The City is concerned with increasing downtown population, which means people need to live in these areas. 6:00 a.m. is too early for loud intrusion of garbage pickup, and since you are talking about private collection then residents could be exposed to 6 a.m. collections on multiple days of the week as different businesses have their garbage collected.
55.	Only infrequently does any one household find their specific location the site for compacting or glass dumping - the two noisiest activities.
56.	Multiple private companies may serve the downtown business improvement area on different days. This makes the downtown unattractive and works against the ability to attract increased density to this area. Better to collect in the early evenings between 6pm an 9pm Sun - Thurs.
57.	7 AM would be better

Please provide additional comments specific to routine mechanical noise. |

#	Response
1.	Details with respect to noise are far too specific for the City's Official Plan.
2.	you shouldn't have to contract out someone to do readings. Those are so easy to use after a short training session! I took a course in university in air pollution and it was one of our labs.

3.	Noises of this kind are a huge problem in my building but by-law, police and the property owners do NOTHING about complaints. An objective, third party assessment is needed.
4.	Would it really be worth the expense probably not e live with the noise from the ac until from the bowling alley behead us and it is not that bad
5.	Having an external firm take quantitative noise readings doesn't preclude the city from addressing noise complaints as it does now.
6.	to enforce noise bylaws properly (considering they may end in court) then bylaw enforcement staff and police should be trained and equipted to use decibel readers.
7.	Using staff to ask and stress the need for less noise, sounds like the best idea.
8.	Bylaw and enforcement should have both the equipment and training necessary to ensue that the public peace and law concerning is indisputable. For example, environmental units, etc. can become amplified or carried longer distances than anticipated by the local environment, including structural surfaces of adjoining or neighbouring buildings, open plazas, street-scapes, etc. It is not sufficient to trust to documentation, or guesswork, when a standardized measure can be conducted.
9.	Not sure here but I live near the Corus bldg, and if their HVAC meets code, then it is too loud. Neighbours cannot enjoy being outdoors when their system is running. If having bylaw officers with their own machines makes enforcement better, then that makes sense to me.
10.	Both a and c? Exhaust blowers, such as Homestead's blower on Gore Street and Delta Hotel at bottom of Johnson Street, are too loud and disturb waterfront enjoyment and day-to-day living for people in this area. Perhaps they could be updated/repared, baffles put in place, and set to come on when needed ie. when garage needs air) instead of coming on at set times all day long (including 7am).
11.	The city needs to be able to accurately measure noise. The city has an obligation to protect its citizens from legally offending noise and they must be able to measure noise to do it. If any by-law is enforced so should all by-laws be enforced including continuous mechanical noise. Sound studies should be a requirement of all planning including both structures and site plans. Final inspections should measure impacts of mechanical noise and require sign off. Follow up based on the complaint driven process should also be conducted with any necessary adjustments a legal requirement which would require something stronger than subjective evaluation.
12.	For Sporting Events they should by able too!
13.	Why is this a problem again?
14.	Perhaps a combination: the existing process plus having a quantitative measure defined in the bylaw and staff and police trained on appropriate equipment.
15.	In addition, the by-law should provide a quantitative measure. I don't understand why the two should be exclusive.
16.	A combination of the first and last choice makes sense.
17.	Car wash establishments should be required to disconnect the beeping noise of the "remaining time count down timer". They can be heard for blocks, especially in the evening

	and at night and they operate 24 hours a day. The visual timer should be sufficient for patrons. Example: Coin-Op Car Wash at 311 Bath Road
18.	in addition to the top suggestion
19.	Some equipment is very noisy, much more noisy than whistles or intermittent use of p.a.s at sporting events. It should be regulated and monitored, either by city staff or a contracted firm. Individuals using sound level meters should have training to use them, and sound level meters and calibrator a should meet the CSA standards.
20.	Should also take into account not only the loudness of the noise but also the long term effects from having to listen to it over a period of months or even years. I know firsthand having lived beside a couple of properties emitting constance noise. In cooler weather when windows are closed and it is much quieter the stress levels go down and sleep improves
21.	What are the Ministry of the Environment's noise guidelines? Link?
22.	Kingston Police can hardly be trusted as a whole as it is, let alone with a decibel reader. KP should stick to what they are good at, hanging out in their cars together hidden behind buildings out of the view of general public. By-Law officers should be provided with a decibel reader and trained accordingly to provide instant quantitative results when working directly with the property owner.
23.	Noise levels shouldn't be "zero". The city needs to function.
24.	Whatever works best to minimize irritating mechanical noises that add to noise pollution.
25.	Look into high rises at foot of Earl and Gore.
26.	I feel like this should be addressed during site plan approval or other processes. A retroactive by-law wouldn't be fair for existing properties.
27.	This seems like a fairly amenable solution.
28.	The quantitative measures could be a reference to MOE guidelines, but there should be a quantitative value and means to measure it.
29.	Guidelines of the prevince of Ontario shoud taken in consideration.
30.	Noise is becoming a problem and must be considered seriously
31.	Added to the above selection, the City needs to be able to independently assess noise levels and whether installations emitting noise meet the minimum MOE guidelines. Every bylaw enforcement officer does not necessarily need to be trained and qualified to make the assessment, but some need to be. This is because we are talking about "routine mechanical noise" and measurements can be taken when the appropriate staff member is available.
32.	Enforcement is essential. This has been an issue in the summer in the neighbourhood around Rideaucrest though all deny it is coming from Rideaucrest or the CFB

<p>"marshmallow". It was Only after the CFB construction that I heard the noise so wondered if that was the source.</p>
<p>33. Plus the city should have decibel readers and train a few staff to use them so as to be able to independently check noise levels. Why train the police??</p>

Do you have any additional comments: |

#	Response
1.	<p>Currently bells and chimes from Churches are an exemption under the by-law. However, some appear to abusing this. For example, ring church bells for 10 minutes straight on a regular basis.</p> <p>Also, private companies doing work and snow removal in the middle of the night and early mornings (prior to 6am) dont appear to show consideration either.</p>
2.	<p>In residential areas homeowner should not be allowed to use power tools after 4pm on a Sunday and not allowed at all on a stat holiday. There is nothing worse that having a long weekend and you neighbour is starting at 9am till 9pm and this is all you hear all weekend with no peace. Also they should be not allowed to use power tools after 8pm on weekdays as some people have young children that need to go to bed early and some of us start work early in the morning and with power tool going till 9pm if affects our sleep.</p>
3.	<p>Disappointed in the survey. Doesn't allow for input on changing times of noise for most residents i.e. lawn care/landscaping by private companies, renovations in residential areas; landing and take-off times at airports; train whistles.</p>
4.	<p>I should be allowed to play music in my backyard (at a reasonable volume) until 11:00 PM. I'm talking about radio not a live band or a crazy stereo system. The noise by-laws are too restrictive for residents, but the concern here seems to be entirely for construction and Queen's sporting fields. I would like to see more concern for the residents and taxpayers. There should be a review of the current restrictions on your average residential home, too.</p>
5.	<p>Barking Dogs in residential areas is a major issues. Owners seem to believe their dogs right to bark supersedes those of my kids to sleep. Current level of enforcement is weak at best.</p>
6.	<p>Weekends are time to recuperate. Loosening the noise restrictions increases the likelihood of stress.</p>
7.	<p>Anticipated additional noise to surrounding neighbourhoods from flights of larger (and turbojet) aircraft at an expanded airport is a serious issue. The noise bylaw should be amended to address this and to set allowable deciBel levels at designated reference locations in those neighbourhoods. Any violation of these levels by regular carriers should trigger appropriate actions such as loss of early morning and late evening flight privileges until the issue is addressed (by change of aircraft type, or maintenance to existing faulty aircraft). Such provisions should form part of any renewed contracts with regular flight carriers.</p>
8.	<p>Please consider creating a provision which bans the use of modified exhaust systems over a determined db level on motorcycles and cars, similar to now in force in other communities such as Edmonton and Windsor. These vehicles, particularly the motorcycles, are</p>

	disruptive at all hours in all neighborhoods.
9.	Please reconsider granting Queen's a noise exemption in the future. It causes huge amounts of noise in my already noisy neighborhood.
10.	Regulation is needed for vehicle horns when locking doors. These horns are loud and startle people. Most of the time it is not necessary especially at night.
11.	When people buy or rent houses in residential areas there is an expectation of enjoyment of a peaceful neighbourhood. At present the power play centre had received a bylaw exemption, they on a weekly basis break this exemption. They yell and scream, bang their sticks loudly and their lights are too bright. They hold weekend tournaments without notice. Bylaw enforcement needs to keep an eye on them after hours and on weekends going forward.
12.	Loud vehicles, including motorcycles, should not be permitted in the downtown core. The persistent revving of engines and promenading along downtown streets ruins the atmosphere on patios, restaurants with large bay type windows and cafes, making it impossible to talk, or simply enjoy one's time.
13.	There should be a separate phone number to report noise disturbances past certain times. Or even a #noisecomplaint that someone on social media can forward on to say volunteers or something particularly in the busy times (ie frosh week,home coming, summer)
14.	It would be hoped person(s) given waivers to by-laws have a written city approval available when requested by residents, cuts down on police calls. The responsibility should rest with any company given exemption to the by-law to inform all residences in the area affected.
15.	No.
16.	I live within a kilometer of an active university, hospital, fire-hall, and business district. I am pleased this space is shared by diverse members, and generally proud to live within it, but feel that the peace of the community can easily be dismissed in the narrower interests of institutions or commerce. The public customarily includes these other actors, and should not be placed in competition. Where community events, and reasoned exemptions for commerce, or emergency, etc. are happily shared by all, consideration should always be made for the rest of its members. My particular area contains adults, students, elderly, and children of varied ages, the active times of these parts therefore vary. Personally, I find events, construction, student parties, etc. extending past midnight to be disruptive to my sleep and well-being. Please consider carefully, that the institutions and businesses not adopt attitudes which are dismissive of their effect on the community-at-large, and ignorant of the burdens placed by other actors within this shared space. In short, throbbing bass after midnight, plainly and distinctly, from 500 meters distant, and quite audible in all parts of a residence is neither neighbourly on the part of the university, nor conducive to positive relations.
17.	Noise is a very big issue in my opinion with residents of Kingston as indicated in frequent articles in the Kingston newspaper. I would be curious to see statistics regarding by-law enforcement calls, City of Kingston Police and other agencies responding to concerns. It impacts the quality and quantity of sleep for some, the ability to show up to work the next day well rested etc. It would be very rare to find someone looking to live in a very noisy area as a request with cement saws, whistles, PA systems and mechanical noises at the top of their need to have for a perfect residence. Ultimately infringing on your quality of

living/life.
18. Living downtown is a noisy place to call home. The garbage truck issue is the biggest annoyance, then I'd say it's when bars let out at 2am. If something can be done in that Dept, to have better policing or bylaw enforcement every Friday and Saturday night at that time, if would be great. A shift from 11pm to 3am would probably yield enough revenue to pay for their time and would make downtown residents' quality of life even better.
19. Control noise from neighbours music, make people more aware of noise bylaws, how and when to report
20. Sports should have lenient noise bylaw exemptions and big business should not.
21. 1. Something should be done to stop train whistles on marked crossings within the city limits during traditional "quiet hours", i.e. 11 PM to 7 AM. 2. Something should be done within the City's Noise Bylaw (as the Province's Highway Traffic Act won't tackle the issue) to regulate noise emitted from motorcycles. The noise, particularly from Harley Davidsons, can be almost deafening when close by, and often can be heard day and night on Kingston streets.
22. The street cleaners should be prohibited from cleaning streets at any hour. They are incredibly noisy and disruptive.
23. Fines for most by-law infractions in Kingston seem low compared to other ontario cities. the city should review all fine levels. parking etc
24. performance of live music is vital to the arts in Kingston and being able to practice in once apartment or house should be allowed
25. I already believe the noise bylaws in kingston are too strict.
26. Loud cars and motorcycles need to be controlled. I am tired of loud trucks and motorcycles.
27. Whistles used by referees aren't bring a used by the users, or used by ignorant individuals. It's a whistle. Not music. Or screaming.
28. Jack Astors Patio is horrendous during the summer season. I have lived directly across the street from their location since before the bar opened. Because I don't have A/C in my apartment, I'm forced to either keep my windows shut in the summer heat or listen to loud-volume bar music. Last summer, they would frequently keep their music on high volume during CLEANUP, after patrons had gone.
29. Just wondering why there was only one survey question that indicated current practice as a choice and specifically stated the current practice? The other questions gave the choice of current practice but this assumes that everyone knows what the current bylaws are.
30. the use of outdoor speaker for home stereo systems should be allowed between the hours of 9am until 11pm daily as long as it is not too loud. place a decibel level on it if need be.
31. I have made my views clear on changes to the noise bylaws regarding queen's Richardson field before, in writing to councillors and the mayor. I will re-send these letters soon. The bylaw should not be changed, and citizens need recourse if the bylaw is broken. Working people and families have a right to quiet enjoyment of their properties within the

	parameters of the existing noise bylaw.
32.	Lights on playing fields should be on no longer than 9:00 p.m. as they are a distraction to nearby residents.
33.	I live on Wartman Avenue, backing on Front Road. I find it entirely unacceptable that motorcycles seem to be exempt from any noise by-law. If a car were to make similar noise the owner would be cited. I know there are mufflers for small engines that work very efficiently -- why then is this allowed to persist. Some motorcyclists also thrill at full-bore, blow-out acceleration -- presumably to make their mark on the world and be noticed. Noticed they are -- but with profound annoyance. This is not a unique problem to Kingston but needs addressing at a "broader" level. One friend suggested that a noise limiting law would never happen due to the size of the motorcycle lobby and so we must suffer in silence (or lack there-of)? For consideration
34.	The bylaw should provide for a quantitative measure and the City should purchase decibel readers and provide training to staff and police for all noise issues, not only for "routine mechanical noise of buildings". Other municipalities do this.
35.	Why are you trying to introducing more noise into our already noisy lives. Queen's U complaining again and not taking it's role in noise bylaw enforcement seriously?
36.	The complaint driven process often works against residents who for a variety of reasons suffer in silence rather than continually provide feedback. There is stronger incentive for the commercial interests to continue to push for greater permissions. When residents do complain they often do not feel effectively heard nor do they always provide productive feedback (sometimes having waited a long time to voice their concern). For this reason, I believe the city of Kingston and its staff should be erring on the side of caution to protect residential life. If intensification and a vibrant downtown core are objectives of the official plan then it will require the protection of the health of local residential life. Residents are seeing mixed use, diversity and appropriate infrastructure actively disappearing in Sydenham Ward. Family life is threatened directly by ineffective enforcement of existing by-laws. It seems most of the above recommendations stem from specific cases like the Tett Centre, West Campus, St. Lawrence and likely specific developer projects that wanted to extend their construction work day and ultimately their profitability. These decisions come at the expense of our mornings, evenings and peaceful recreational life. I would urge you to think of the captive homeowners who cannot escape from the activity of the by-laws you are about to change and ask yourself "would I want to live with these changes possibly every day of the week for possibly fifteen hours of the day". What you permit, commercial interests will fully use. We all know current by-laws are not uniformly enforced or effectively managing the infractions. I am concerned that residents will be asked to give up more of what they seemingly have already lost.
37.	Queens rent out to the clubs in town, so if the city fields can stay open till 11.00pm with Lights and Whistles why can't Queens, Sports is important to our Kids and Parents too. Lights must go off at 11.00pm Queens spent a lot of money on light shades for West Campus, and is working with the city, it's sad it has come to this!
38.	The fact that this is what the city is spending time and money deciding on is concerning to me as a resident.
39.	I would like the City to consider regulating noise levels as described above, setting a standard and training staff/police, to address vehicles as well (i.e. motorcycles, cars, pick-up

<p>trucks). The current bylaw seems to have some provisions for addressing muffling devices for vehicles, but it doesn't seem effective given the lack of a specific standard and/or resources equipped to take action against vehicles that have been modified to enhance their noise.</p>
<p>40. I know part of the reason for this survey is the small number of vocal non-supporters for the Richardson Stadium redevelopment. While I am a non-vocal supporter at this point. I have a long memory come election time when both voting and speaking with potential candidates regarding the vision and planning direction provided by our public officials to support the community both now and in the future for my children.</p>
<p>41. It is a serious error in the construction this survey to not include what the current regulations are. It appears to bias the survey towards changing the current bylaws. Please consider revamping the questions to make the issues transparent. This issue would only have been raised by groups or individuals who want the bylaw changed. This bias gives the perception that City staff are trying to get the answers they are looking for rather than getting honest answers.</p>
<p>42. Sport and recreation are a cornerstone to a healthy body, mind and community. The sports fields located in residential neighborhoods are wonderfully convenient and a beautiful part of our community landscape. Limiting the ability of people to use these facilities will not only negatively impact the well being of the individuals using the fields but also the community as a whole. Lit sports facilities allow for people to participate in activities after work and we should be able to use them in the manner for which they were design, for competitive sport.</p> <p>I personally live near Queen`s west campus and thoroughly enjoy hearing the sounds of cheering, whistles and active play. Limiting peoples enjoyment of sport through restrictive noise bylaws will have a detrimental impact our social and health well being. Activities and healthy living should be encouraged not restricted.</p>
<p>43. This bylaw overlooks the population of overnight workers who are sleeping between 7 am and 4 pm. It only addresses those who are sleeping during "normal" hours. If this is the majority, so be it. But I think it is a little unnecessary considering this group that puts up with noise interruptions throughout the day to serve the city overnight. I am sure there are no noise complaints being placed from this group of Kingstonians; perhaps the rest of the population should take a look at the bigger picture.</p>
<p>44. Please do not allow for private garbage pickup to create excessive noise prior to 7 AM.</p>
<p>45. Hosting of major events and or allowing residents of Kingston to be physically active is beneficial for our community.</p> <p>It is challenging when restrictions limit the use of quality fields we have in Kingston so expanding the allowable timeframes for use would be valuable.</p>
<p>46. The noise by-laws should be considered for the airport and surrounding homes-no noise between 9pm-9am</p>
<p>47. To whom it may concern,</p>

I am writing on behalf of the Kingston Sport & Social Club in support of Queen's University Athletics and St. Lawrence College Athletics for their application of sports fields bylaw exemptions.

The Kingston Sport & Social Club (KSSC) provides Adult Recreational Co-Ed Sports for over 6,000 members living in Kingston each year. Queen's University and St. Lawrence College grass and turf fields are currently home to many of our Ultimate Frisbee and Soccer Teams, which sees approximately one thousand players each week playing at their locations during our Spring, Summer and Fall seasons.

The West Campus Turf Field at Queen's University and the Grass Main Field at St. Lawrence College have allowed us to improve KSSC member satisfaction by significantly improving the offerings and quality of our leagues. The turf field has replaced facilities that members have expressed safety concerns about and allowed us to schedule games at a premium facility that provides a superior playing surface and desirable location within the city limits. The addition of the field to our rotation has reduced the number of formal complaints received by members regarding facility quality.

Should we be unable to schedule games at later times in the evenings will negatively impact our leagues. Those looking for sport offerings in the Kingston area will have their options limited as we will have to reduce the size of our current leagues to accommodate the time slots. In order to have capacity for the same number of teams, KSSC will be required to look for alternate less preferred space resulting in lowered member satisfaction.

The time change would also notably reduce the ability to increase the number of players that are able to participate in local activities. Currently we are able to schedule 6 games in a 3 hour time period. Removing games after 9pm translates into an approximate loss of space for 12 teams, around 120 players looking to play each weeknight, or the potential capacity of 500-600 players each week.

The KSSC will continue to support the efforts of Queen's Athletics & SLC Athletics in their application for noise bylaw exemption.

Regards,

Matt

Matt Linton

Sport Manager

<p>KINGSTON SPORT & SOCIAL CLUB 100-2437 Princess St. PO Box 1 Kingston, ON K7M 3G1 613.544.8326 x211</p>
<p>48. Noise bylaw needs to deal with the noise of Motorcycles, Cars and Trucks that have had their exhaust systems modified from manufacturers specifications. Boats with no noise suppression systems need to be banned within 1 nautical mile of the city.</p>
<p>49. Snow clearance at parking lots at nearby malls is sometimes a noise which awakes us in the middle of the night as we sleep with Windows open</p>
<p>50. Survey was limited in options for times. Yes we could write in but it would be better to have put an Other button followed by a field to suggest other times. Its leading otherwise.</p>
<p>51. I would like to see stricter enforcement of Schedule A, Section 3, the general prohibition of operation of a combustion engine (particularly motor vehicles and motorcycles) without an effective exhaust muffling device THAT IS IN GOOD WORKING ORDER AND IN CONSTANT OPERATION (bracketed words and caps mine.) Motel visitors and Kingston residents living in residential areas near Princess Street between Sir John A. Macdonald Blvd. and Sydenham road suffer greatly from faulty mufflers or mufflers designed to be deliberately loud, on vehicles and motorcycles being deliberately roared on this part of Princess. The noise wakes sound sleepers, and certainly is "excessive" and "unwanted" and "disturbing," particularly on weekends and especially in the summer, but basically in good weather all year round and often past midnight. Phone calls to police usually receive an explanation that they are too busy with other matters, or that such offenders are too difficult to apprehend. Bylaw enforcement officers seem powerless to help with this problem, perhaps because of the evening and night hours of most of the offences.</p>
<p>52. Quarries should fall within the noise by laws and not be exempt. Heavy fines should be applied when they fall outside of these hours. 0700 - 1900. Sundays and statutory holidays to be excluded. Working outside of these hours should be applied for at a substantial cost to discourage frequent applications. Quarries have to be a good neighbour!</p>
<p>53. I am for the most part happy with the existing noise by-law and see no advantages for residents in any of the proposed changes. In my opinion the City is granting too many exemptions as is and has started down a slippery slope where the noise by-law is being bypassed to often by construction companies, sports activities and Queen's.</p> <p>I prefer to see the authority to grant exemptions remain with council, and not see this authority extended to city staff.</p>
<p>54. When residential buildings are considered they should not be built near other buildings emitting this kind of mechanical noise</p>

55. The same requirements that are enforced on city owned fields should be enforced on non city owned properties. If whistles are used at Caton's Pasture for a soccer match then they should be allowed the same usage at a school soccer match two blocks away. There should be a harmonization of regulations with respect to sports fields and their usage.

56. Just a note regarding amplified and live music in residential areas.

Currently, amplified/recorded music that can be heard outside the home is (by our reading) prohibited in residential areas at all times. We agree with this policy. We ask that this 'prohibited at all times' rule be kept.

We would further suggest that live musical instruments being played (including percussion) should not be audible outside the residential premises. Currently, it is NOT prohibited to set up drums or an electric guitar in a backyard and play all day, until 11 PM. We feel this is inappropriate for any neighbourhood. We ask that this rule be changed to 'prohibited at all times'.

Our family chose to move to Kingston primarily based on their good noise bylaws.

We moved from another Ontario city where the existing bylaws allowed people to play music that could be heard outside the home before 11 PM - something that greatly disturbs residential neighbourhoods. The constant, loud music from multiple homes at once was intolerable. It was the cause of a great deal of distress for us personally, and for so many families we spoke to in that city.

Since moving to Kingston, we have been so relieved and so proud of the more reasonable approach to reducing noise stresses in neighbourhoods. The few times we have had to address a loud music problem, it has been dealt with swiftly by Kingston Bylaw.

We would hope that the City of Kingston would continue to uphold this excellent standard. We believe it is common sense that both amplified/recorded and live music be audible only within ones own home and that others have the right to reasonable quiet at all times of the day.

57. I have seen delivery trucks idling with refer (refrigeration unit) delivering to Starbucks after 11:00p.m. Monday through Sunday through out the year.

Every night, the trucks that pick up money from the banks sit idling 20 to 30 minutes, usually after 9:00 p.m. at the corner of Wellington and Princess at TD and than on Princess at the Royal Bank.

Extreme load motorcycles are a serious concern as well.

There are sewer grates that don't sit flat and make a big banging noise every time a car drives over it. On Princess east of Division left side near Grizzly Grill is one of many.

<p>Downtown is a very expensive place to live. I have units that cost more than 2000\$/ month. Noise is a form of pollution stressing people, reducing the quality of live that is relatively cheap to fix.</p>
<p>58. This survey should have included the current regulation for each question. As it is, it's hard for us to know if the item we're voting in favour of is better or worse than the current regulation.</p>
<p>59. This survey could have been structured better by my teenagers, not one question is in acceptable survey form. Here's a link to one, of many, tutorials on how to write better surveys. https://www.surveymonkey.com/mp/writing-survey-questions/</p> <p>Conducting these surveys is not only an opportunity to gather feedback from citizens, but it's an opportunity to educate citizens on current regulations.</p> <p>This survey was biased and poorly structured, no good data could come of it, the results should be thrown out.</p>
<p>60. I find it bizarre that you ask questions with an option for the current by-law but don't provide information on the current by-law. People can't make an informed choice.</p>
<p>61. While it would be nice to have all the noise from "sports" moved far away from homes it would cost several hundred millions of dollars to relocate all the sports fields existing in city parks, schools and rinks to a remote location.</p> <p>Add to this the cost of transportation of participants to the remote location. Not a "green" solution.</p>
<p>62. There should be consideration of continuous low level noise/vibration from pool pumps. This can have an effect on neighbours and there should be consideration of restricting these from being operated 24h/day if they can be heard within a neighbouring property. For example, here is a regulation from Australia:</p> <p>Noise from a swimming pool pump or spa pump on a residential premise that can be heard in any habitable rooms of a neighbouring residence must cease during certain times: before 8 am or after 8 pm on any Sunday or public holiday, or before 7 am or after 8 pm on any other day.</p> <p>http://www.environment.nsw.gov.au/askenvironmentlineapp/question.aspx?qaId=AEL-273</p>
<p>63. I would like to see businesses in residential area's controlled. I have a tattoo shop around the corner...it's back door is visible from our backyard. They open the back good for ventilation then proceed to blast rap type music....this happens any time of day...often there are parties in they're parking lot after hours with loud music...to the point were we cannot sit outside. We have complained to no avail being told that nothing can be done until after eleven. It's incredibly loud and disruptive to the neighborhood.</p>

<p>64. What about minimizing the length of time allowed for electric floodlights around playing fields, as they add to light pollution?</p> <p>Perhaps this survey was publicized in the newspapers, and I missed it? (It was brought to my attention by a flyer in my mailbox,)</p>
<p>65. Unattended noise of wind chimes in residential areas needs to more stringently regulated. I would support prohibition.</p>
<p>66. While I am privileged to live in an area away from sports fields and large buildings, we live next to the training field for the base and deal with loud noises frequently. I would like to see the sport fields in Kingston be used in the evening and I feel strongly that PAs should run until only 9 but whistles should be able to blown until 10 to accommodate games that run slightly late. It is reasonable to expect society to have a sleep time - and 10-7am is an appropriate stretch. Children and the elderly go to bed much earlier, but it is not reasonable to expect the rest of society to meet their early bed-times.</p>
<p>67. Car horns especially when locking doors should be regulated.</p>
<p>68. As the importance of exercise to our over all health becomes more and more apparent, I think we need to encourage those playing sports within our community.</p>
<p>69. I think this whole noise By-law has been blown out of proportion</p>
<p>70. Noise is a form of pollution. Excessive noise reduces quality of life and have adverse health effects. Please do not be nonchalant about allowing more noise.</p>
<p>71. Using "audible to a person" in 4.1 and 4.2 sets a higher standard than may be appropriate to high density residential areas. I would prefer a standard permissible noise level above a whisper, at least during the day time. I have been able to hear my neighbours now and then in all of my Kingston homes over the years. None of their noise reached a level that should be subject to a bylaw except the subwoofer on one neighbour's TV system.</p> <p>My current home is actually in an "other area" but quieter than those that were in designated residential areas.</p>
<p>72. The East & West end bylaw enforcements should both be available 24h, though contacting police in leau has worked for me.</p>
<p>73. As a small business owner in the downtown core, I would really love if there were noise enforcement for other businesses operating so loudly that it affects the service I am selling.</p>
<p>74. City is doing very little to limit noise pollution now, and is trying to do even less. There is very little enforcement as it is against noise pollution coming from exhaust of motorcycles, cars, gas powered garden equipment etc. Across my home for a couple hours a day I got a tractor cutting grass on SLC sport field. This is happening usually couple times a week. The tractor operating within city limits was designed to be used in the open field, rather than in residential neighborhood. The tractor operator is wearing a hearing protection. The question is "what noise level the tractor produces"? Is it necessary for the tractor to produce this high amount of noise or maybe we are using inexpensive noisy equipment for cutting grass? I hope that new by-law will take look at usage of grass cutting tractors within a city limits, this include own by the city gas powered equipment, noise pollution data will be</p>

taken in consideration when awarding contracts and city will promote usage of machinery causing least noise as well as less air pollution.

Organizers of sport events developed special attraction to the low frequency, "base" sounds. When I close windows in my home, I can filter out the sounds of whistle, traffic etc, but low frequency noise coming from amplifiers carrying music and voice of event announcement are still going thru the walls and closed windows of my house. I experience that sound penetrating outside walls of my house not long time ago, when SLC despite strong restrictions in their current noise by-law exemption that explicitly forbids them to use amplified sound, decided to use amplifiers anyway. You cannot imagine how annoying is the noise that one cannot escape from, by closing windows nor by bringing up the volume of the radio. Living in my home located just across SLC without protection of the, noise by-law in it's current shape would be just a hell. I do not want to be forced to wear ear plugs inside my own home, only because somebody outside is making profit, by renting their sport field.

I also understand that couple times a year (mostly in the summer) our community would benefit, if limited and controlled noise by-law exemption would be granted. For the few exemption the process should be streamlined and not involve the whole city council. If such a exemptions would be granted, the affected residents should be informed ahead of time.

Communication via "Kingston Whig" is totally ineffective. Community newspaper/ e-mail/ flyer should be considered instead.

75. What should be reviewed is the residential noise restrictions. The majority of cities restrict residential noise after 11pm. The 9pm restrictions in place are too overbearing and a waste of city resources. There have been many occasions where a gathering I have attended, making very little noise, had neighbours calling the bylaw officers. These were not college aged gatherings, either. Please consider loosening residential noise restrictions to after 11pm.
76. There should be no noise violations before 8am or after 8pm; the current 11pm rule is far too late, especially in "University District" where the noise is intolerable. The atmosphere in our neighbourhood during weekend parties is becoming frightening, with extremely loud music (that can be heard with all windows closed & earplugs in), bottle smashing, shrieking, and other rude and disrespectful behaviours becoming commonplace.
77. If noise by-law changes surrounding sporting activities are because of Queen's, cave in and give Queen's what it wants - that is, change the zoning immediately surrounding Queen's west fields. Do not subject the rest of the citizens of the city to such asinine noise control by-laws. I live next to these fields and having lived with this type of noise from 9am to 11pm, I would not wish it on anyone.
78. I would love a bylaw related to cars blaring music, especially when it's late at night. It is incredibly jarring to be woken by a car racing down the street with the stereo at full volume. But of course, this type of bylaw would be useless unless it were enforced (probably by police, given that they would likely be the only ones available to enforce it "in real time").
79. I would rather increase lights, better roads..a lot of the noise is when people are having fun..this should bring joy to people

<p>80. Thank you for asking.</p>
<p>81. For the most part, the amplified noises I have experienced are as follows:</p> <ul style="list-style-type: none"> - Music from Queen's when they have exemptions for noise on Union St. campus - music and amplified voices from the Fair at the Memorial Centre - amplified voices and cheering from some large school events, perhaps at west campus <p>These are not really troubling to me but I have a concern that if I can hear them at this distance, they certainly could be troubling to nearer neighbours.</p> <p>While renewing the by-law is probably a good idea, it seems to me that it serves primarily as a standard against which to seek exemption.</p> <p>Two other noises that I would like to see addressed are motorcycles and cars with boom boxes!</p> <p>Bus brakes, belts, mufflers could do with better maintenance so as to reduce the noise.</p>
<p>82. This does not even pretend to be a comprehensive review of the noise bylaws. The nature and form of the questions reflect simply a very directed attempt to revise it to fit the requests of powerful special interest groups - a few developers including Queen's University as a developer of a sports entertainment venue, improperly leveraging their E zoning to develop facilities incompatible with the land they put it on.</p>
<p>83. Residents should have a means to report excessive noise before 7AM or after 11PM without having to call 911, noise enforcement is not an emergency and reporting offenses should not tie up the emergency line.</p>
<p>84. If bylaw noise exemptions are going to be given to commercial establishments such as the power play centre or the beer store etc. They should have to pay higher property taxes and lessen the property taxes of the area residential neighbours for their loss of enjoyment of their residential properties. Bylaw needs to work longer hours and have a better enforcement response program (online reporting to track statistics for proactive enforcement and checks of problem areas). Public institutions such as schools (elementary, high schools and colleges/universities) should be given some leniency when bylaw exemptions are granted. But private business should not be able to just move in beside a residential area break any city bylaws at will and just receive an exemption without some sort of payment to effected residents around the area. There is plenty of space on zones industrial land north near the invista centre for this.</p>

By-Law Number 2016-XX

A By-Law to Amend By-Law Number 2004-52 “A By-Law to Regulate Noise”

Passed: [Meeting date], 2016

The Council of the Corporation of the City of Kingston enacts as follows:

1. By-Law Number 2004-52 of the Corporation of the City of Kingston entitled “A By-Law to Regulate Noise”, as amended, is hereby further amended as follows:

1.1 Add the following “Whereas” clauses after the first “Whereas” clause:

Whereas section 425 of the Municipal Act, 2001 authorizes the Council of every local municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence; and

Whereas section 429 of the Municipal Act, 2001 authorizes the Council of every local municipality to establish a system of fines for offences of a by-law of the municipality passed under this Act;

1.2 Section 1. is deleted and the following substituted:

1. Definitions:

In this by-law,

“Agricultural property” means a property that is zoned for agricultural use in the zoning by-law that applies to the property;

“Chief Fire Official” means the assistant to the Fire Marshal who is the Fire Chief of the City of Kingston, or a member or members of Kingston Fire and Rescue appointed by the Fire Chief to be Chief Fire Officials, subject to the limitations and conditions as are set out in the appointment.

“City” and **“City of Kingston”** mean The Corporation of the City of Kingston, as incorporated on January 1, 1998, and all of its administrative units;

“Construction” includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, blasting and detonation of explosive devices other than fireworks, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any associated or related work;

“Construction equipment” means any equipment or device designed and intended for use in construction or material handling, including but not limited to

air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers, trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;

“Council” and **“City Council”** mean the Council of the City of Kingston;

“Downtown Kingston Business Improvement Area” means the geographical area as defined in Schedule E to this by-law.

“Emergency” means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise, which arises suddenly and calls for prompt action;

“Emergency vehicle” includes a land ambulance, an air ambulance, a fire department vehicle, a police vehicle, and a motor vehicle being used to respond to an emergency;

“Explosives Act” means the Explosives Act, R.S.C. 1985, c. E-17, as amended, or any successor legislation thereof;

“Explosives Regulations” means the Explosives Regulations, 2013, SOR/2013-211, as amended, or any successor legislation thereof;

“Fireworks” means, in the context of this by-law, consumer fireworks as classified by the Chief Inspector of Explosives in accordance with the Explosives Act and the Explosives Regulations. It also means display fireworks and special effect pyrotechnics, as classified by the Chief Inspector of Explosives in accordance with the Explosives Act and the Explosives Regulations, when the detonation of such has been authorized by the Chief Fire Official;

“Licensing and Enforcement Division” means the administrative unit of the Planning, Building and Licensing Services Department that is responsible for enforcing the general by-laws of the City or, in the event of organizational changes, another administrative unit designated by Council to carry out this responsibility;

“Manager of Licensing and Enforcement” means the Manager of the Licensing and Enforcement Division, of the Planning, Building and Licensing Services Department, his or her designate or, in the event of organizational changes, another employee designated by City Council.

“Motor vehicle” includes an automobile, bus, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by muscular power, but does not include a motorized snow vehicle, traction engine, farm tractor, other farm vehicle or road-building machine;

“Municipal service vehicle” means a vehicle operated by or on behalf of the City or a local board of the City while the vehicle is being used for the

construction, repair or maintenance of a highway, including the clearing and removal of snow, the construction, repair or maintenance of a utility, the collection or transportation of waste, or other municipal purpose;

“Noise” means sound that is unusual or excessive, or that is unwanted by or disturbing to persons;

“Other areas” means the lands designated in Schedule D as “other areas”;

“Person” includes a corporation as well as an individual, and shall include the owner of a property;

“Premises” means a piece of land and any buildings and structures on it, and includes a place of business, a public highway, private road, lane, pathway and sidewalk, and any other location or place;

“Residence” means a room, suite of rooms, or dwelling, including a mobile trailer, operated as a housekeeping unit that is used or intended to be used as a separate domicile by one or more persons, and that normally contains cooking, eating, living, sleeping and sanitary facilities;

“Residential areas” means all lands within the geographic boundaries of the City except for those lands designated in Schedule D as “other areas”;

“Sports field” means any area, not on property with a residential use, or vacant and eligible for a residential use, as defined in the City’s zoning by-laws, whether or not delineated by lines, that is designated as a playing surface, and includes any adjacent seating area or stands;

“Statutory holiday” includes Boxing Day and any day within the definition of “holiday” in the Retail Business Holidays Act R.S.O. 1990, Ch. R.30, as amended, or any successor thereof;

“Utility” means a system that is used to provide a utility service to the public, including water, sewage, electricity, gas, communications networks and cable services;

“Utility service vehicle” means a vehicle operated by or on behalf of Utilities Kingston, its subsidiary companies, and by any other company or agency that supplies or manages a utility within the City while the vehicle is being used for the construction, repair or maintenance of that utility;

“Vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and other vehicle propelled or driven other than by muscular power; and

“Zoning by-law” means a by-law passed under section 34 of the Planning Act that restricts the use of land.

- 1.3 Section 3. is deleted and the following substituted:

3. Administration:

- 3.1 The Licensing and Enforcement Division is responsible for the administration of this by-law.
 - 3.2 All Provincial Offences Officers with authority to enforce the by-laws of the City are responsible for enforcing the provisions of this by-law.
 - 3.3 Any person may submit an application to the Licensing and Enforcement Division requesting an exemption from any of the prohibitions described in Schedules A and B.
 - 3.4 Council approved exemptions will be in effect for the dates specified, and Council may impose any conditions that it considers appropriate.
 - 3.5 A Council approved exemption shall be invalid if these conditions are contravened.
 - 3.6 Notwithstanding sections 3.3 and 3.4, the Manager of Licensing and Enforcement, or his or her designate, has delegated authority to approve an application for exemption from the noise prohibitions listed in section 1 and section 3 of Schedule B of this by-law to permit the pouring, saw-cutting and finishing of concrete, between 1900 hours and 2300 hours, one day per week, excluding Sundays and Statutory Holidays.
 - 3.7 Notwithstanding sections 3.3 and 3.4, the Manager of Licensing and Enforcement, or his or her designate, has delegated authority to approve an application for exemption from the noise prohibitions listed in section 1 and section 3 of Schedule B of this by-law to permit construction activity and the operation of construction equipment in connection with construction between 1900 hours and 2100 hours, one day per week, excluding Saturdays, Sundays and Statutory Holidays.
 - 3.8 Exemptions approved by the Manager of Licensing and Enforcement shall be in effect for the dates specified, and the Manager of Licensing and Enforcement may impose any conditions that he or she considers appropriate.
 - 3.9 An exemption approved by the Manager of Licensing and Enforcement shall be invalid if these conditions are contravened.
- 1.4 Section 4.3 be added as follows:
- 4.3 No person shall obstruct or hinder or attempt to obstruct or hinder a Provincial Offences Officer or other authorized employee or agent of the City in the exercise of a power or the performance of a duty under this by-law.
- 1.5 Section 5.3 is deleted and the following substituted:

The prohibitions described in Schedules A and B do not apply if the noise is the result of an activity that has been granted an exemption under section 3.4, 3.6, or 3.7.

- 1.6 Section 6., Schedule D is deleted and the following substituted:

Schedule D - Designated Residential Areas and Other Areas;

- 1.7 Section 6., Schedule E is added as follows:

Schedule E – Downtown Kingston Business Improvement Area.

- 1.8 Section 7.1 is deleted and the following substituted:

7.1 Every person, other than a corporation, who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and \$25,000 for any subsequent offence, as provided for in subsection 429 (2) (c) of the Municipal Act, 2001, as amended from time to time.

- 1.9 Section 7.2 is deleted and the following is substituted:

7.2 Every corporation that contravenes any provision of this By-Law and every officer or director of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 for a first offence and \$100,000 for any subsequent offence, as provided for in subsections 425(3) and 429(2) (a) of the Municipal Act, 2001, as amended from time to time.

- 1.10 Section 7.3 be added as follows:

7.3 If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

- 1.11 Schedule A – General Noise Prohibitions, No. 10 is deleted.

- 1.12 Schedule A – General Noise Prohibitions, No. 11 is deleted.

- 1.13 Schedule A – General Noise Prohibitions, No. 7 is deleted and the following substituted:

7. Operation of any outdoor auditory signaling device, including but not limited to outdoor paging systems, the ringing of bells or gongs, the use of sirens or chimes, or the sounding of whistles for any purpose other than to control organized sporting activities at a sports field, or the production, reproduction or amplification

of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practice.

1.14 Schedule B – Noise Prohibitions by Time and Place is deleted and the following substituted:

SCHEDULE B

NOISE PROHIBITIONS BY TIME AND PLACE

Activity	Prohibited Times	
	Residential Areas	Other Areas
1. Operation of construction equipment in connection with construction.	C and F	C and F
2. Reserved (By-Law Number 2004-52; 2007-51)	E	E
3. Erection, alteration, repair, dismantling, or any activity related to construction.	C and F	C and F
4. Operation of any device or group of connected devices intended for the production, reproduction, or amplification of voices or sound, except for the playing of the national anthem and for intermittent game related announcements during organized sporting activities at a sports field, on the condition that the volume does not exceed the minimum level required to be clearly audible to persons at a sports field.	A	E
5. Operation of a combustion engine that (i) is, or (ii) is used in, or (iii) is intended for use in a toy or a model or replica of a larger device, which is not a conveyance and which has no purpose other than amusement.	C	E
6. Venting, release or pressure relief of air, steam or other gaseous material, product or	E	E

compound from any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system.		
7. Operation of a solid waste bulk lift or refuse compacting equipment, except within the geographical boundaries of the Downtown Kingston Business Improvement Area.	C	D
8. Operation of commercial car wash equipment.	E	E
9. Operation of any powered rail car including but not limited to locomotives and refrigeration cars while stationary on property not owned or controlled by a railway company governed by the Railway Safety Act (Canada).	C	D
10. Operation of any motorized conveyance other than on a highway or other place intended for its operation.	C	D
11. Outdoor operation of any powered or non-powered tool for domestic purposes other than snow removal.	D	E
12. Loading, unloading, delivering, packing, unpacking or otherwise handling any containers, products, other materials or refuse, unless necessary for the maintenance of essential services or the moving of private household effects.	C and F	F
13. Operation of a pit or quarry.	C and F	C and F
14. Take-off or landing of a power-assisted hang glider, parafoil, or aircraft of any type.	A	C
15. Yelling, shouting, hooting, whistling or singing, or the playing of musical instruments,	D	E

including percussion instruments.		
16. Yelling, shouting, hooting, whistling or singing during organized sporting activities at a sports field.	H	I
17. Amplification of voices or sound for the playing of the national anthem and for intermittent game related announcements during organized sporting activities at a sports field.	G	I
18. Whistles when used to control organized sporting activities at a sports field.	G	G
19. Collecting waste and refuse, including operation of a solid waste bulk lift or refuse compacting equipment within the geographical boundaries of the Downtown Kingston Business Improvement Area.	N/A	J
20. Setting off of fireworks.	K	K

Prohibited Times

- A. At any time
- B. 1700 hours (5:00pm) of one day to 0700 hours of the next day (0900 Sundays)
- C. 1900 hours (7:00pm) of one day to 0700 hours of the next day (0900 Sundays)
- D. 2100 hours (9:00pm) of one day to 0700 hours of the next day (0900 Sundays)
- E. 2300 hours (11:00pm) of one day to 0700 hours of the next day (0900 Sundays)
- F. All day Sundays and Statutory Holidays
- G. 2230 hours (10:30 pm) of one day to 0800 hours of the next day
- H. 2230 hours (10:30 pm) of one day to 0700 hours of the next day (0800 Sundays)

- I. 2300 hours (11:00 pm) of one day to 0700 hours of the next day (0800 Sundays)
- J. 2100 hours (9:00pm) of one day to 0600 hours of the next day
- K. At any time except:
 - a) between dusk and 2300 hours (11:00 pm) on Victoria Day;
 - b) between dusk and 2300 hours (11:00 pm) on the day immediately preceding Victoria Day;
 - c) between dusk and 2300 hours (11:00 pm) on Canada Day;
 - d) between dusk and 2300 hours (11:00 pm) on the day immediately preceding Canada Day;
 - e) between dusk on New Year’s Eve and 0030 hours (12:30 am) on New Year’s Day; or,
 - f) when authorized by the Chief Fire Official.

1.15 Schedule C – Exemptions from the Noise Prohibitions is deleted and the following substituted:

EXEMPTIONS FROM THE NOISE PROHIBITIONS

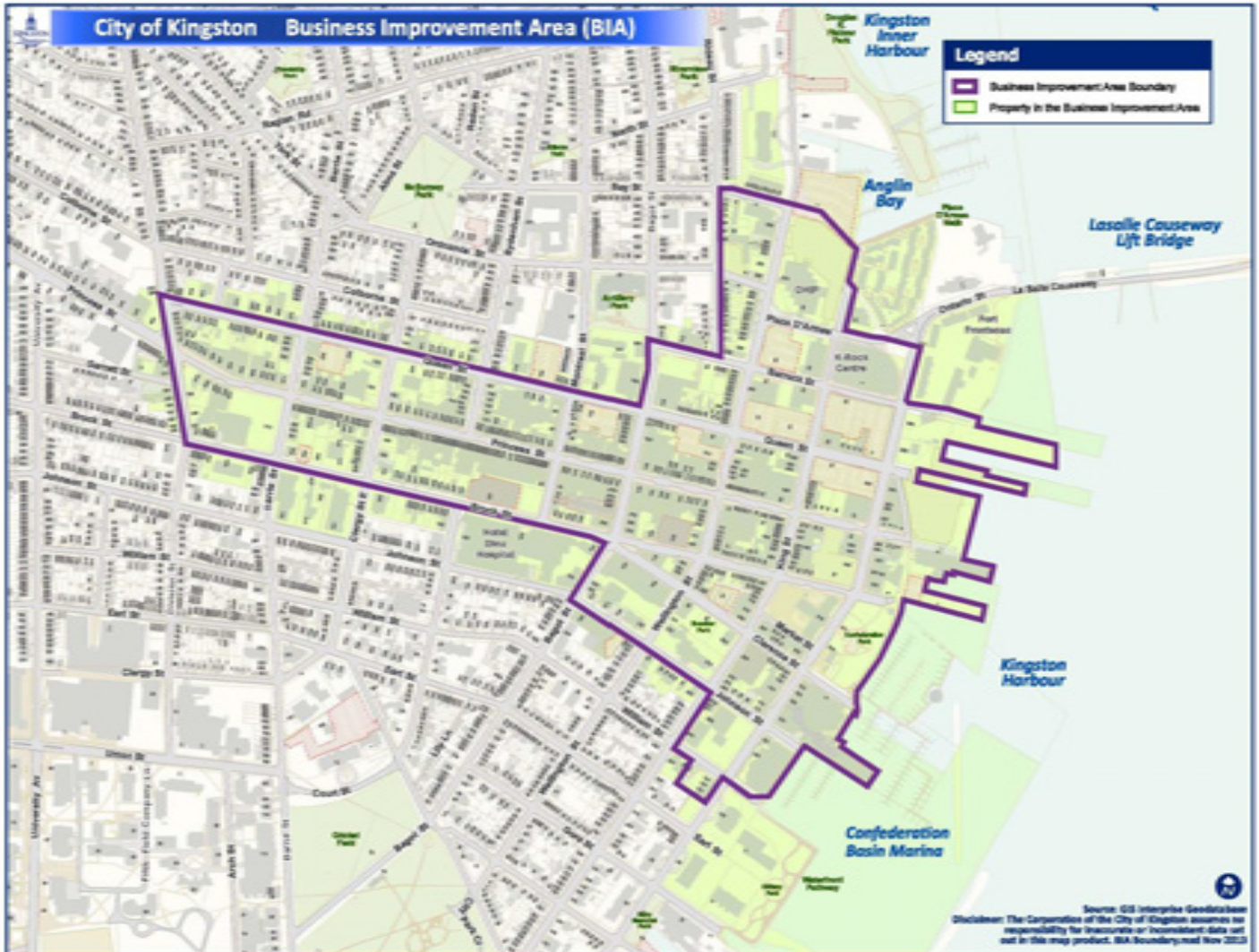
- 1. Operation of emergency vehicles.
- 2. Operation of municipal service vehicles and related equipment.
- 3. Operation of utility service vehicles and related equipment.
- 4. Midways that have been authorized by the City.
- 5. Circuses that have been authorized by the City.
- 6. Races, parades, processions, and events for ceremonial, religious or traditional purposes that have been authorized by the City.
- 7. Operation of bells, chimes, carillons and clocks in places of worship and public buildings.
- 8. Cultural, recreational, educational and political events in parks and other public places that have been authorized by the City.
- 9. Neighbourhood events on municipal highways and other municipal property that have been authorized by the City.
- 10. Aviation activities at Norman Rogers Airport.
- 11. Agricultural activities on agricultural properties.

1.16 Schedule D – the title “Designated Residential Areas” is deleted and the following substituted:

Designated Residential Areas and Other Areas

1.17 A map entitled "Downtown Kingston Business Improvement Area be added as Schedule E to this by-law.

Schedule E – Downtown Kingston Business Improvement Area



2. This By-Law shall come into force and take effect upon the date of its passing.

Given First and Second Readings Month XX, 2016

Given Third Reading and Passed Month XX, 2016

John Bolognone
City Clerk

Bryan Paterson
Mayor

By-Law Number 2016-XX

A By-Law to Amend By-Law Number 2004-52 “A By-Law to Regulate Noise”

Passed: [Meeting date], 2016

The Council of the Corporation of the City of Kingston enacts as follows:

1. By-Law Number 2004-52 of the Corporation of the City of Kingston entitled “A By-Law to Regulate Noise”, as amended, is hereby further amended as follows:
 - 1.1 Schedule B – Noise Prohibitions by Time and Place, Activity Number 2 is deleted and the following substituted:

SCHEDULE B

NOISE PROHIBITIONS BY TIME AND PLACE

Activity	Prohibited Times	
	Residential Areas	Other Areas
2. Playing of musical instruments, including percussion instruments.	D	E

- 1.2 Schedule B – Noise Prohibitions by Time and Place, Activity Number 15 is deleted and the following substituted:

SCHEDULE B

NOISE PROHIBITIONS BY TIME AND PLACE

Activity	Prohibited Times	
	Residential Areas	Other Areas
15. Yelling, shouting, hooting, whistling or singing, except during organized sporting activities at a sports field.	D	E

2. This By-Law shall come into force and take effect upon approval of the revised short form wording from the Ministry of the Attorney General.

Given First and Second Readings Month XX, 2016

Given Third Reading and Passed Month XX, 2016

John Bolognone
City Clerk

Bryan Paterson
Mayor

Environmental Noise Control and Best Practices

City of Kingston

November 17, 2015
Project: 114-255

Prepared for

The Corporation of the City of Kingston

Prepared by

Al Lightstone, Ph.D., P.Eng.

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APPENDIX A COUNCIL RESOLUTION OF JUNE 3, 2014

Environmental Noise Control and Best Practices

City of Kingston

1.0 INTRODUCTION

Valcoustics Canada Ltd. has been retained by the City of Kingston to provide input on controlling and managing noise from various sources, many of which fall under the Ministry of the Environment (MOE) definition of “stationary sources”. This study is to respond to a Council resolution of June 3, 2014 (Council Meeting 2014-20), found at Appendix A. The main concerns appear to relate to noise from construction and from mechanical equipment related to building services. Provided herein is a summary of how other municipalities in Ontario address noise, legislative authority, the role of MOE, the MOE noise guidelines and recommended best practices.

Noise is defined as unwanted sound. Note that some sounds are wanted all of the time (e.g. warning/safety signals); some sounds are wanted some of the time (e.g. music at a concert) but unwanted at other times (e.g. loud music when trying to sleep); some sounds are wanted by some people (e.g. the exhaust sounds of a motorcycle) but are noise to other people; some sounds are universally agreed to be noise (e.g. the screech of chalk on a chalkboard) and some sounds are defined to be noise legislatively, all or some of the time.

2.0 LEGISLATIVE BACKGROUND

There are two tiers for dealing with environmental noise in Ontario: Provincial and Municipal.

2.1 PROVINCIAL

Under Section 9 of the Environmental Protection Act (EPA) constructing, operating or altering any process or thing that emits a defined contaminant to the environment requires that the source have an Environmental Compliance Approval (ECA). The EPA defines noise (and vibration) as an environmental contaminant. Other defined contaminants include solids, liquids, gases, odours or radiation resulting from human activity that may cause an adverse effect. In some cases, there are regulations limiting the maximum emission of these contaminants. In the case of noise, there are no regulations, but guidelines. However, in terms of issuing ECA's and for compliance enforcement, MOE uses these guidelines as if regulations.

The MOE first issued noise guidelines addressing noise from transportation sources such as roadways, railways and aircraft as well as stationary sources in 1978. The original guideline release also included two Model Municipal Noise By-laws, discussed later.

Although a literal reading of the EPA would indicate that virtually everything that emits sound (noise) requires an ECA, Ontario Regulation 524/98 to the EPA provides a number of exemptions such as for air conditioners, garage exhaust fans, various types of ventilation or exhaust fans (e.g. restaurant kitchen exhaust) as well as for other named devices and equipment.

The EPA also has the general provision, in Section 14, that the discharge of a contaminant that causes or may cause an adverse effect is prohibited.

From Section 1 of the EPA, “adverse effect” means one or more of:

- (a) impairment of the quality of the natural environment for any use that can be made of it,
- (b) injury or damage to property or to plant or animal life,
- (c) harm or material discomfort to any person,
- (d) an adverse effect on the health of any person,
- (e) impairment of the safety of any person,
- (f) rendering any property or plant or animal life unfit for human use,
- (g) loss of enjoyment of normal use of property, and
- (h) interference with the normal conduct of business.

With respect to environmental noise, items a), c), g) and h) are potentially the most relevant adverse effects.

2.2 MUNICIPAL

At the time of issuing the original MOE noise guidelines, a requirement was introduced in the EPA that any noise by-law to be enacted by a municipality had to first have the approval of the Minister of the Environment. As a result, all new municipal by-laws at that time were based on the MOE Model Municipal Noise By-law. Currently, the situation is different. Now, the approval of the MOE is not required. The Ontario Municipal Act, in clauses 10 and 11, gives “broad authority” to municipalities to enact by-laws for the “(5) Economic, social and environmental well-being of the municipality”, and for the “(6) Health, safety and well-being of persons”. More specifically, Clause 129 (a) grants authority to municipalities to prohibit and regulate with respect to noise (and vibration).

3.0 MOE NOISE GUIDELINE NPC-300

The current noise guideline, “*Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning*”, issued in October 2013, is NPC-300 (although dated August 2013). It serves three main purposes in providing environmental noise criteria:

- Issuance of Environmental Compliance Approvals by MOE under the EPA for stationary sources;
- Enforcement/compliance of environmental approvals of stationary sources; and
- Guidance to land use planning authorities on how to address environmental noise to ensure compatibility of sensitive land uses such as residential with transportation (e.g. road noise) and stationary sources (e.g. industry) as part of the land use planning process.

Stationary sources refers to individual sources of sound such as mechanical equipment (cooling towers, fans, dust collectors, etc.) or production equipment such as punch presses, etc, although in some cases, the sources can move around on the site (e.g. tow motors). In many cases, it is the site as a whole that is considered to be the stationary source, with sound emissions from a number of fixed and/or mobile sources on the site of a facility.

The broad definition of a stationary source (from NPC-300) is a source of sound or combination of sources of sound that are included and normally operated within the property lines of a facility, unless the dominant source of sound on the property is construction. A wide variety of stationary sources require an ECA under Section 9 of the EPA. Examples include commercial facilities, industrial facilities, truck terminals, bus maintenance and storage facilities, works yards, solar farms, etc.

Ontario Regulation 524/98 exempts some stationary sources from requiring an ECA. Examples of exempted sources include: car washes, gun clubs, sporting events, race tracks and snow disposal sites. This does not mean these sources are exempted from complying with appropriate sound level limit criteria.

Agricultural operations under the jurisdiction of the Ontario Ministry of Agriculture, Food and Rural Affairs are exempted from the ECA process and NPC-300.

A number of sound sources are not considered as stationary sources and the noise criteria of NPC-300 do not apply. Examples include: temporary construction activities, residential air conditioners and heat pumps, transportation corridors (although auxiliary transportation facilities such as a bus terminal or railway yard are considered stationary sources), gas bar/stations, parking lots, barking dogs, domestic power tools, gatherings of people. In some cases, these sources are addressed either in separate specific guidelines (residential air conditioners) or are addressed by municipal noise by-laws (construction, gatherings of people).

NPC-300 provides quantitative sound (noise) level limits for stationary sources, applicable at neighbouring points of reception. A typical point of reception would be an outdoor living area associated with a noise sensitive use such as residential, or the planes of windows on the facade of a building, where the windows are associated with a noise sensitive space.

The sound level limits at a point of reception are the higher of the ambient (typically, due to road traffic noise) or the exclusion limits in Tables B-1 and B-2, for steady or varying sound sources.

Table B-1
Exclusion Limit Values of One-Hour Equivalent Sound Level (Leq, dBA)
Outdoor Points of Reception

Time of Day	Class 1 Area	Class 2 Area	Class 3 Area	Class 4 Area
07:00 – 19:00	50	50	45	55
19:00 – 23:00	50	45	40	55

Table B-2

**Exclusion Limit Values of One-Hour Equivalent Sound Level (Leq, dBA)
Plane of Window of Noise Sensitive Spaces**

Time of Day	Class 1 Area	Class 2 Area	Class 3 Area	Class 4 Area
07:00 – 19:00	50	50	45	60
19:00 – 23:00	50	50	40	60
23:00 – 07:00	45	45	40	55

There are four Classes of receptor area. Class 1 is an area with an acoustical environment typical of a major population area (urban). Class 3 is a rural area with an acoustical environment dominated by the sounds of nature, with little or no road traffic. A Class 2 area is one with the characteristics of Class 1 during the day and Class 3 during the night and possibly the evening. Class 4 is an area or site that would otherwise would be Class 1 or 2 but has less stringent noise criteria to permit new sensitive development adjacent to one or more stationary sources, that would otherwise not be permitted.

NPC-300 also contains sound (noise) limit criteria for impulsive sources (not reproduced here).

Numerical sound limits are desirable and useful because they:

1. Facilitate determining environmental compliance;
2. Provide criteria for design and implementation of noise control; and
3. Provide certainty for sources to know when they are in compliance.

4.0 THE MOE MODEL MUNICIPAL BY-LAWS

At the time these were introduced, the MOE offered assistance to municipalities in preparing noise by-laws, training of staff and technical backing. This is no longer the case.

In effect, two versions of the model noise by-law were provided: a qualitative (subjective) approach and a quantitative approach. It was also intended that a municipality could adopt a comprehensive approach where the by-law included both qualitative and quantitative provisions.

The intent of the qualitative noise by-law was to be easy to implement and enforce, requiring no special funding or training of enforcement staff and no instrumentation.

The model by-laws focus on prohibiting or regulating noise in residential areas and “Quiet Zones” of a municipality if it has the latter. Quiet zones are typically areas where quiet is of particular concern, for example, in the vicinity of a hospital or long-term care facility. In general, a municipality can define for itself, based on its needs, these various zones, in the city-wide zoning by-law. Some municipalities use fully delineated, designated residential areas for purposes of the noise by-law. In some cases, a residential zone is defined as anywhere where there is a legally permitted residential use. This could be a single lot that is a legal non-conforming residential land use.

The basic method of the qualitative model noise by-law is to prohibit by time and place, the sound from identified activities being “clearly audible” at a point of reception (POR) within

defined zones or areas such as Residential or Quiet Zones. For example, the sound of the discharge of firearms may be prohibited if clearly audible, at all times. The sound of construction, or of loading, unloading or handling containers or materials, refuse, etc. may be prohibited from being clearly audible between 1900 of one day and 0700 the next day and all day Sunday or Statutory holidays. This approach only requires the subjective response of a “reasonable person” (with normal hearing) to enforce, although there is no specific definition of “clearly audible”.

The quantitative model noise by-law is more comprehensive and complex. The intent was not that each municipality requiring a more comprehensive approach would necessarily adopt the model in its entirety. Rather, the intent was that, based on the individual needs of the municipality, the most relevant portions of the model by-law would be used.

The comprehensive version of the model noise by-law includes the qualitative prohibitions by time and place discussed above, plus reference to quantitative sound limits for construction equipment, domestic power tools, air conditioners, motorized conveyances and stationary sources. The sound limits for these sources are in separate, individual documents, incorporated into the by-law by reference. Stationary sources were addressed originally by NPC-105, subsequently replaced by NPC-205. (Many existing municipal noise by-laws in Ontario incorporate NPC-205.) NPC-205 is now obsolete, being recently replaced by NPC-300. Fundamentally, with minor exceptions, the numerical sound limits for stationary sources in Class 1, 2 and 3 receptor areas are the same in NPC-300 as in NPC-205.

For control and enforcement of noise from relatively steady sources such as mechanical equipment (e.g. cooling towers, exhaust fans, etc.) in buildings of all types and of industrial processes (dust collectors, etc.), numerical sound limits tend to be more desirable. However, this requires trained staff and instrumentation, if enforcement is to be done “in-house”.

One of the difficulties with a comprehensive noise by-law, based on the MOE model, that incorporates both the qualitative and quantitative approaches, is the matter of inconsistency. A sound at a POR may comply with the numerical limits and still be clearly audible or audible at times. There is no universally agreed-on technical definition of either audible or clearly audible. As far as we are aware, there are no legal precedents in Canada assisting in definition. Thus, a source that complies with the quantitative, numerical limits may not comply with the subjective, qualitative prohibition.

NPC-300 also provides criteria for transportation noise sources (road, rail, aircraft), used primarily for design and in the land use approvals process. These noise criteria are not particularly relevant in this context and are not discussed further.

5.0 CITY OF KINGSTON NOISE BY-LAW No. 2004-52

This noise by-law appears to be styled after the qualitative (subjective) MOE model municipal noise by-law. The regulatory part consists of schedules (A & B) that prohibit the audibility of sound from listed activities at specified times and locations within the municipality.

Schedule A is a list of general noise prohibitions such as from squealing tires, setting off fireworks, persistent barking of pets, etc. Via Clause 4.1, the prohibitions against creating the sounds of activities in Schedule A apply anywhere in the municipality. The audibility constraint applies to any premises or vehicle in the municipality (other than that from which the sound

originates). Thus, in short, the listed general sound prohibitions of Schedule A apply to the whole of the municipality, regardless of zoning or land use.

Schedule B gives the prohibitions of creating audible sound (noise) by time and place. Via Clause 4.2, the restriction of making, causing, or permitting the making of the listed noises applies to locations within the residential areas and other areas in Schedule D, effectively meaning the whole of the municipality. This is appropriate. Similar to Schedule A, the restriction is on audibility of the listed activities in a premises or a vehicle anywhere in the municipality or in a residence.

Schedule B includes construction and demolition and other activities worthy of regulation such as commercial car washes, etc. The points of reception (places where audibility is prohibited) in Schedule B are divided into two categories, residential areas and other areas, where in some cases the time prohibitions are different by area.

One unusual aspect compared to the MOE model by-laws is that any vehicle in the municipality is also considered a point of reception.

Another difference is that By-law 2004-52 prohibits the audibility, whereas the model by-law uses the concept of “clearly audible”. Potentially, the interpretation of audible is much more stringent versus clearly audible.

(Schedule C lists exemptions such as agricultural activities on agricultural properties, emergency vehicles, events authorized by the City, etc.)

Not specifically included in the noise by-law is the full range of stationary sources, such as mechanical equipment serving buildings of all types (e.g. cooling towers, air handlers, fans, etc.) that could create noise impact on neighbouring properties.

6.0 REVIEW OF OTHER ONTARIO MUNICIPALITIES

6.1 PLANNING

Most, if not all, major municipalities in Ontario require noise study submissions as part of the land use planning process to address compatibility of different land uses with respect to noise. (This is understood to be the case for the City of Kingston also.) Such noise studies are typically required when official plan amendments, zoning or rezoning by-laws and/or site plan approval is required. Section C in NPC-300 specifically provides guidelines in this respect for all types of noise sources; transportation and stationary. (Note, the MOE is not involved in local planning matters and the guidance is offered to the land use approval authorities for whatever use they wish to make of it.) The guidance applies to the establishment of new sensitive land uses in the presence of stationary source(s) or new stationary sources in the presence of sensitive land uses. This can be an effective means to avoid noise problems from things like mechanical equipment, to ensure that they are designed properly in the first instance. This is an important concept but does not address construction noise or the adding of new equipment or altering equipment at an existing development, which most often does not require a land use approval. In some cases, a development under site plan control could require land use approval to add or modify something, if the site plan is affected. Regardless of planning controls, there is still the need for noise control and enforcement mechanisms and practices.

It is important to note that the noise guidelines are receptor based and the sound limits apply at neighbouring points of reception, not at the property line. This is unlike other regulations, such as for air quality, which apply at the property line. Thus, in the absence of noise sensitive neighbours, a source will have less stringent noise requirements than a source with proximate noise sensitive receptors.

One concern in the planning process is that a compliant, existing stationary source may be made non-compliant by the introduction of a new noise sensitive land use nearby, through no fault of the existing stationary source.

6.2 OTHER NOISE BY-LAWS

The noise by-laws of some other municipalities of differing sizes in Ontario were reviewed for comparison purposes. Those reviewed were: Ajax, Brampton, Chatham, Cobourg, Cornwall, Guelph, London, Mississauga, Ottawa, Pickering, Toronto, Vaughan, Waterloo, Whitby and Windsor.

The majority incorporate the qualitative (subjective) MOE model noise by-law but use the term “clearly audible” in relation to prohibitions of time and place. Six out of the 15, also incorporate numerical limits for certain sources. All but one address construction noise.

Several use wording that prohibits sound (noise) in general or from defined activities that “disturbs or is likely to disturb” the inhabitants in place of audible, or together with clearly audible criteria. There have been cases where a by-law with this wording of *disturbs* or *is likely to disturb* has been ruled void for vagueness by the courts. This is because the average citizen is not in a position to know what will or is likely to disturb another and thus, has no way of knowing what he has to do, or not do, to be compliant.

The attached Table 1 summarizes the salient points of these noise by-laws.

7.0 SUMMARY OF LEGISLATIVE TOOLS TO ADDRESS NOISE

Under the EPA, which is typically administered and enforced by the MOE, Section 14 can be used, where an adverse effect (due to noise) can be shown. More commonly, noise complaints tend to be lodged against stationary sources that have or require an ECA. A source with an ECA typically is obligated to operate in compliance with the noise guideline limits. If a noise complaint is filed with MOE, the appropriate district office would normally investigate. It may do its own sound measurements and/or require the source to provide evidence as to its compliance. If compliance is verified, the complainant would be notified and the file closed. Note, compliance with the MOE noise guideline sound limits does not necessarily mean that the sound will not be audible. The sound limits are set so that the level of sound is considered generally acceptable to the populace.

If non-compliance is shown, the MOE will require that a noise abatement plan be developed and implemented, to result in compliance. If the source is not cooperative or circumstances warrant, charges under the Act can and would be laid.

The ultimate sanction available is for the MOE to issue an order to cease and desist the offending activity or shut down the offending equipment/process.

If the source which is the subject of a noise complaint does not have an ECA and should have an ECA, the MOE can order that an application be made, which ultimately means that the source will have to be compliant with the noise guidelines (i.e. NPC-300).

If it deems appropriate, the MOE will charge a facility with operating without an ECA. Fines for this offence can be in the tens of thousands of dollars. This is in addition to requiring that an ECA be obtained.

If a noise complaint to MOE is made regarding a source or activity not requiring an ECA, most likely it would be a source or activity addressed or expected to be addressed in a municipal noise by-law. MOE would then likely refer the complaint or complainant to the municipality.

The tool that the municipality has to address noise complaints and problems is its noise by-law. The main purpose of enforcing the noise by-law in the context of complaints should not be obtaining convictions but resolving the conflict. We understand this to be the philosophy of the City of Kingston. Prior to the laying of charges under the noise by-law, the complaint needs to be investigated and if deemed legitimate, the cooperation of the source sought to remedy the situation. If the source will not cooperate, laying of charges may be necessary and often this possibility will serve as incentive for cooperation, in part because the potential fines are not trivial. For repeated infractions, the ultimate sanction can be to request an injunction to prohibit the offending activity.

In the situation of a potential infraction of a noise by-law (or EPA) by a corporation, the fines per se that the corporation could be subject to may not be the most important factor. Most major corporations have environmental policies and in some cases ISO certification. In these cases, having a facility not in compliance with company policies or jeopardizing the ISO certification (which a legal or environmental infraction would do) is intolerable. Thus, non-compliance with a legislated or other requirement or the hint of a prosecution is taken very seriously and would trigger cooperation and remedial action. However, this is not universally the case.

Of course, as noted earlier, in some cases noise problems can be avoided and land use compatibility achieved by requiring noise studies leading to noise control measures at the design stage, as part of the land use planning approvals process.

8.0 ADDRESSING NOISE (COMPLAINTS) IN THE CITY OF KINGSTON

The major categories of noise complaint that have been indicated to be a concern are:

- Construction;
- Mechanical equipment (either outdoors or interfacing to outdoors) requiring servicing;
- Activities having exemptions to the noise by-law; and
- Noisy parties.

8.1 Construction

Section 4.2 and items 1 and 3 of Schedule B of By-law 2004-52 prohibit noise from construction from being audible anywhere in the municipality (including in vehicles) between 1900 hours one day and 0700 hours the next day (0900 hours on Sundays), all day Sunday and statutory holidays.

This basic approach is similar to what is done elsewhere, in all municipalities surveyed. It should be simple and effective to enforce.

In some cases, certain construction activities, once started, cannot be stopped arbitrarily without jeopardizing the end result. Thus, it is reasonable to grant exemptions from time prohibitions when there is a legitimate reason. For example, pouring and surfacing a concrete pour should be completed once started and may have to extend into the prohibited time period. Exemptions could be granted to construction projects for this with conditions that require the construction to do proper planning. For example, if a concrete pour is known to take 8-10 hours including surface finishing, it should not be permitted to start at midday or late in the day so as to have to continue past 2300 hours or some other cut-off time considered reasonable.

From a practical point of view delegating authority to by-law enforcement staff to be able to grant “ad hoc” exemptions for individual construction activities such as completing a concrete pour can be very useful. The onus would be on the contractor to contact by-law enforcement with sufficient notice (e.g. early enough on the same day) to make appropriate exemption arrangements. Alternatively, a blanket exemption could be given to concrete pour operations that cannot be interrupted once started, providing they are started early enough.

8.2 Noisy Parties

Events such as noisy parties can be regulated using Section 4.2 and items 4 and 15 of Schedule B. What is prohibited is amplified sound being audible at any time in residential areas and between 2300 hours of one day and 0700 hours (0900 hours on Sundays) of the next day, in other areas. Also prohibited is audible sound from yelling, shouting, signing or playing of musical instruments from 2100 hours of the day and 0700 hours of the next day (0900 hours on Sundays) in residential areas and from 2300 hours of the one day to 0700 hours the next day (0900 hours on Sundays) in other areas. (These prohibitions would also cover amplified sound from the Queen’s University Stadium as well as crowd noise.)

This should be simple and effective to enforce. . Also, if there is a complaint about a rowdy party, it may be better for the police to be involved in enforcement than for by-law enforcement staff. It is understood that in Kingston the police are also involved in enforcing the noise by-law and that both by-law enforcement staff and police can issue “tickets” for a noise by-law infraction.

Schedule C exempts a number of activities from the noise prohibitions. Some, such as emergency vehicles, municipal and utility service vehicles and equipment, have and merit a blanket exemption. Other activities, such as bicycle races, bells and chimes, etc. at churches and public buildings, aircraft at Norman Rogers Airport and agricultural activities also have blanket exemptions. Some activities/ events are automatically are exempted if otherwise authorized by the City or Police.

Section 3.3 provides for applying for an exemption to any of the prohibitions in Schedules A or B. Section 3.4 indicates that if approved by Council, the exemption applies only to the dates specified and that Council may impose any conditions it considers appropriate.

Exemptions granted should only be for defined periods, preferably short (e.g. for the days of a special event) unless in the public interest, for example, highway repair that has to be done at night and may require a number of months or longer. The exemption process affords the

opportunity to improve conditions if an event was found to cause a problem. Thus, if the event is to be repeated or of long duration, the conditions can address the problems and if not satisfactorily resolved, no additional future exemption should be granted.

There is no apparent reason that bicycle races should have a blanket exemption and be treated differently from other events.

The indication is that the exemption process is working well in the City of Kingston, including where the police approve of events such as parades requiring a temporary street closure.

8.3 Stationary Sources

Basically, stationary sources (mechanical equipment) can be divided into two groups:

1. Those that require/have an ECA; and
2. Those that do not require an ECA.

For those sources that require/have an ECA, the primary jurisdiction is that of the MOE under the EPA. Noise complaints should be directed to the MOE district office. Where this is the case, establishing a liaison, relationship and exchange of information with MOE would be useful to allow City staff to be kept up-to-date on the processing and resolution of a noise complaint.

For those stationary sources not requiring ECA's, there is a gap in the City of Kingston process. For example, there could be a noise complaint by a neighbour about parking garage exhaust fans. MOE would typically not become involved in a noise complaint about such a source. The current City of Kingston noise by-law does not address such a source. (The same is true of the noise by-laws of other municipalities having only the qualitative portion of the MOE model noise by-law.)

Although a major purpose of MOE noise guideline NPC-300 (specifically Part B) is to provide specific noise criteria for stationary sources requiring ECA's, it is not exclusively for this. It is intended that the noise criteria also apply to those stationary sources not requiring ECA's. In the design of a project not requiring an ECA, with sound sources such as mechanical equipment that can affect neighbouring properties, regardless of whether it is an industrial, commercial or residential development, we would automatically apply the MOE stationary source sound limits.

From a complaint/enforcement point of view, it is not reasonable or practicable to use an audibility criterion for sources such as mechanical equipment, particularly in an urban context. Non-audibility requirements are potentially so onerous that nothing could be developed. The reason for this is that when a sound is very different in character from the ambient sound, it can be audible or clearly audible even if its sound level is significantly less than that of the ambient.

Thus, in principle, using the MOE numerical sound limits for these types of sources is simple and straight-forward. Recall the sound limits are the higher of the ambient sound in the quietest hour of the time the source operates or the exclusion limits, where the exclusion limits are values below which the source need not mitigate, regardless of how low the ambient is. The practical difficulty is that this approach requires expertise and instrumentation to do the sound measurements for enforcement and this is an aspect that the City wishes to avoid if possible

(and with good reason). Sometimes the sound measurements are difficult and complex because of interference from other sources.

One approach is a hybrid one where the municipality obtains some minimal expertise and basic instrumentation, in-house, to screen complaint situations. If the complaint is found to potentially have merit (by subjective and preliminary quantitative assessment), external expertise can be sought. Alternatively, the City can seek external expertise from the outset. A unique approach that we used in the Town of Mono by-law was a provision that anyone who makes a noise complaint to the Town may request that the Town's Noise Consultant and Noise Control Officer carry out a noise study to determine whether there is contravention of the by-law. (Without such a study, the chances or opportunity to pursue a complaint would be expected to be minimal where numeric limits are involved.) The complainant seeking the study must pay a preset fee for the study. If the conclusions of the noise study results in laying of information re contravention of the noise by-law, whether or not there is a conviction, the fee payment is refunded to the complainant. If the conclusions of the noise study do not verify contraventions, the payment is forfeit to the Town to offset the cost of the external consultant. Note, the preset fee may not fully cover the cost. Nevertheless, it encourages only meaningful complaints that are most likely to be legitimate, to move forward in this way.

As indicated earlier, the other advantage of numerical sound limits is that they provide a specific, identifiable design goal for sources and a simple, unambiguous criterion for establishing compliance or not (although not always simple to measure).

9.0 RECOMMENDATIONS

1. Consideration should be given to adding numerical sound limit criteria to noise by-law 2004-52 specifically for the stationary sources that are not currently addressed by the by-law. These consist mainly of mechanical equipment for building services or for industrial processes. Examples of such equipment are: cooling towers, compressors, fans, chillers, generators, dust collectors, pumps. Adopting MOE document NPC-300 in its entirety or as a minimum the stationary source noise criteria would be consistent with MOE enforcement regardless of whether the sources require an ECA or not.
2. Enforcement of numerical limits requires the ability to do sound measurements. Consideration should be given to acquiring in-house expertise for at least preliminary investigation and then retaining external expertise if appropriate. A complaint fee system, conditionally refundable could be adopted to partially off-set the cost of obtaining outside expertise.

However, the use of numerical limits would only be used for situations not otherwise addressed in the noise by-law. The first choice for enforcement, wherever possible, would be the subjective provisions and prohibitions in Schedules A and B of By-law 2004-52, in large part because of the ease of enforcement, without the delay inherent in obtaining sound measurements.

3. The objective of enforcing the noise by-law should continue to primarily be to resolve noise conflicts, with undertaking and obtaining convictions to be used only when cooperation from the source is not forthcoming. The practice of both by-law enforcement

staff and the police being able to issue tickets for infractions of the noise by-law should be continued and encouraged.

4. Consideration should be given to delegating authority from Council to by-law enforcement staff to be able to grant exemptions to the noise by-law for construction activities, such as certain types of concrete pours, that should not be terminated until properly completed (e.g. slip-forming or deck pouring or levelling). Such delegation authority would allow rapid response to unexpected circumstances on construction sites. The criteria for delegation of this authority would be determined by Council.
5. A public information/education program could be developed to inform the public about noise, the noise by-law, how to make a noise complaint, and the ramifications of non-compliance. Such a program could have a number of components: information on the City of Kingston website; a pamphlet that could be readily available at the City, at public libraries and mailed out with tax bills, etc.

The education material could be geared not just to the public who could be the subject of noise impact but to landowners or landlords who could be the source of noise complaints. The material could discuss the need for equipment maintenance to avoid noise complaints and what the ramifications are for not doing things properly.

Also, to address construction noise, a specific pamphlet could be developed that would be handed out with the issuance of every building permit, to alert builders of the noise by-law provisions and requirements for controlling construction noise.

10. BEST PRACTICES

1. Prepare and make available, on a continuing basis, information for the public, including targeting landlords, landowners and builders, on noise, its control, the noise by-law and its enforcement and the noise complaint process.
2. Update the noise by-law as indicated earlier, for example, to include control of stationary sources not currently covered.
3. Ensure that the land use planning and approvals process continues to rigorously follow the requirements for noise study submissions for new developments of all types, with the aim of ensuring land use compatibility.
4. Have in place a defined, formal process for logging and tracking noise complaints, including records of the type of source and how the complaint was resolved; whether tickets were issued or charges were laid; under which section of the by-law; was there a prosecution; was there a conviction or not; and any other relevant information.

Such records allow determining whether or not a specific type of noise or source is a problem or recurring problem in the municipality and whether the noise by-law is effective.

5. Continue to involve the police, where appropriate, in assisting with enforcing the time and place noise prohibitions in the noise by-law when there are complaints. . .

6. On receipt of a noise complaint about a stationary source (mechanical equipment, industrial process, etc.) that could require an ECA, determine whether or not an ECA is required and/or in place. (ECA's are public documents, typically readily available from MOE, on their website (www.accessenvironment.ene.gov.on.ca)). If the primary jurisdiction is with MOE because of a need for or existing ECA, refer the complaint to the MOE district office or refer the complainant to the MOE.
7. If the source of the complaint is not within the district jurisdiction or interest of MOE, conduct a preliminary investigation to determine/verify the type and location of the source, does the complaint appear to be legitimate; is there an exemption; what section(s) of the noise by-law could be contravened?
8. Where a complaint is deemed legitimate:
 - Contact the source in writing;
 - Advise of the complaint
 - Indicate the by-law section(s) being contravened;
 - Indicate the possible penalties;
 - Seek and encourage cooperation to mitigate the noise problem;
 - Provide a deadline for response from the source confirming that the source will proceed with mitigation; and
 - Provide a reasonable deadline to implement mitigation.
9. Provide an opportunity to discuss the problem and its resolution with the City by-law enforcement staff. Adjust deadlines as appropriate.
10. Should the problem not be resolved according to an imposed or agreed-on time frame, consider laying charges, in consultation with the City legal department.
11. Wherever possible, make use of the subjective provisions of Schedules A and B of By-law 2004-52.
12. If the source of complaint is a stationary source not needing an ECA, the source is not addressed in Schedules A and B, and numeric sound limits are in place, conduct preliminary sound measurements, if in-house capability exists, or commission external expertise as necessary. Follow items 8, 9 and 10 above.

TABLE 1

SUMMARY OF SALIENT RELEVANT ASPECTS OF NOISE BY-LAWS

#	Municipality	Prohibitions by Time & Place*	Numerical Limits	Construction Noise Prohibited by Time	Comments
1	Ajax	Audible ⁽¹⁾	No	Yes	(1) Mostly re construction. Very simple by-law.
2	Brampton	Very General ⁽²⁾	No	No	(2) Sources with ECA's essentially exempted. Very simple by-law.
3	Chatham	Clearly Audible	No	Yes	
4	Cobourg	Likely to Disturb	Yes ⁽³⁾	Yes	(3) Probably unenforceable
5	Cornwall	Clearly Audible	No	Yes	
6	Guelph	(4)	No	Yes	(4) Identified noise just prohibited during defined hours.
7	London	Unreasonable or Likely to Disturb + Clearly Audible	Yes (NPC-205 + other limits)	Yes	
8	Mississauga	Clearly Audible	No	Yes	
9	Ottawa	Likely to Disturb	Yes ⁽⁵⁾	Yes ⁽⁶⁾	(5) Numerical limits for defined equipment. (6) Construction limited by time not just construction noise
10	Pickering	Audible	No	Yes	
11	Toronto	Clearly Audible	Yes (NPC-205)	Yes	
12	Vaughan	Clearly Audible	Yes (NPC-205)	Yes	
13	Waterloo	Clearly Audible	Yes (NPC-205)	Yes	
14	Whitby	Calculated to Disturb ⁽⁷⁾	No	Yes	(7) Very general. By-law (1970); predates MOE model.
15	Windsor	Clearly Audible	No	Yes	

* Where table entry is "audible" or "clearly audible", by-law follows MOE qualitative (subjective) model noise by-law.

APPENDIX A

COUNCIL RESOLUTION OF JUNE 3, 2014

Whereas the Environment, Infrastructure and Transportation Policies Committee has received a delegation that spoke to the matter of noise pollution, particularly as it results from “routine mechanical noise” of buildings, such as that of HVAC systems, exhaust fans, chimneys, pumps or other utility facilities both inside and outside of buildings, and

Whereas similar noise was an issue at the K-Rock Centre at the time of its construction, and

Whereas HVAC noise has been an on-going problem with the Block D development, (particularly the hotel building), and

Whereas the city work at the Pump House Steam Museum has also been the subject of similar complaints from members of the public, and

Whereas other jurisdictions do have guidelines for ambient noise levels,

Therefore Be It Resolved That Council direct staff to investigate the best practices in Ontario for controlling, regulating, or otherwise legislating maximum (and therefore acceptable) levels of building ambient noise, (noting how standards may vary according to the community) and with specific regard for the different areas within Kingston that may require different standards, such as rural, residential, downtown business/industrial, and recreational lands/parklands/waterfront shorelines or walkways; and

That staff report back to the first meeting of Environment, Infrastructure and Transportation Policies Committee three months after Council approves this recommendation with a report of what the best practices are in other Ontario municipalities, and recommend a course of action for Kingston.



City of Kingston

Public Consultation – Noise from Sports Fields

Dear Resident,

Do you hear noise from a sports field? If so, how do you feel about it?

The City of Kingston is reviewing the *Noise Bylaw* and is recommending **changes to how noise from sports fields is regulated**. Now the City wants input from residents like you who live near a sports field.

Starting Wednesday, Oct. 19, you can see and comment on the suggested changes at www.CityofKingston.ca/GetInvolved.

Noise from sports fields can include:

- whistles;
- amplified sound; and
- loud voices of players and spectators.

SHARE YOUR COMMENTS

You can also offer your input by:

- Attending a Public Open House from 6:30 to 8 p.m. on Monday, Nov. 7 at Portsmouth Olympic Harbour, Press Lounge, 53 Yonge Street. (presentation at 6:30 p.m.) City staff will present the recommendations, answer questions and receive your input.
- Sending your written comments by 4:30 p.m. on Thursday, November 10 to Greg McLean, licensing and enforcement to:
 - gmclean@cityofkingston.ca
 - 216 Ontario St., Kingston, ON K7L 2Z3.

All comments received will be included in a report considered at a future meeting of the administrative policies committee.

Questions and comments from attendees to the Noise By-Law Review Public Open House held November 7, 2016 at Portsmouth Olympic Harbour:

- A question was asked if this by-law would address noise coming from the marinas, specifically Confederation Basin and specifically to do with the Poker Run event. Also, concerns raised about noise at marinas throughout the season from partying in general and amplified music.
- Question: Does the Poker run have an exemption under this by-law?
- A question was asked about noise from sports fields like Max Jackson soccer field and 4th Ave ball diamond. Is there a way that schedules could be reduced with the sporting leagues so that there is some sort of balance between this neighbor and the noise incurred from the whistles and the fans?
- A question was asked about why there is a difference between private fields and City of Kingston fields.
- Question: Is Queen's planning on having concerts at Richardson Stadium?
- Comments were made regarding noise pollution control and the MOE standards.
- Questions were asked around principles in the by-law, i.e. group exemptions, tools for measurement (qualitative vs. quantitative).
- The convener of KASSAA had concerns about different rules for different fields: City of Kingston versus LDSB fields. He would like to see it equalized across the board.
- Comment was made that there needs to be more work done to bridge the gap between Queen's, SLC and the residents of surrounding neighbourhoods.
- Why was a berm not considered in the official site plan for the West campus field? Comment made that the City of Kingston's planning department has a major role to play in this.
- Gentleman from one of the local soccer organizations advised meeting attendees to be careful about qualitative measurements, as under the MOE guidelines it states 40 to 60 decibels and has to be sustained at 8 hours to be considered pollution.
- Request made that the next time City does a review of the noise by-law, could City also identify fields that have had complaints.
- Comments from parents of kids playing sports that they do not mind the noise as it is not all the time and it keeps kids active. Seasons are short and kids need a place to play. Not enough fields and timeslots now being provided by City of Kingston and other external groups.
- A comment was made about finding a balance between kids playing sports and health issues and the surrounding neighbourhoods having to listen to the noise.
- A comment was made that this is a significant change in social policy. Could be setting a precedent for other types of development in residential neighbourhoods.
- A comment was made that the City of Kingston turf fields seem to be under-utilized and are out of the way of residential neighbourhoods, so why isn't more use being put on those. A gentleman from a soccer club responded that was the case because the two facilities do not have proper change rooms and amenities attached.

From: Annette Voigt
Sent: Tuesday, October 25, 2016 12:59 PM
To: McLean,Greg
Subject: Noise from Sports Fields??

Can we actually believe we just received this appalling letter in the mail?? Noise from a SPORTS Field? This has to be another sad joke.
Unreal.....absoulutely.....UNREAL!!!!!!!!!!!!!!

Staff and Management from Danton Machine and Welding. (Right beside the noisy) Sports center.

From: Bill Perry
Sent: Tuesday, October 25, 2016 1:48 PM
To: McLean,Greg
Subject: Noise

I live next to two venues, the **Prost Bowling Alley** and the **outdoor ball hockey** on Gardener's rd.. I'm far enough away from the ball hockey to not be really concerned about it. My noise complaint is with the Prost Bowling Alley and the huge air conditioners on the west and east end of the building that they turn on when they reopen in and around the first of September. They are so loud that we cannot sit on our back yard patio and have a conversation. We have to keep our windows closed so the noise can be filtered down. Thank God they now close down for the summer. What really irritates me is that they sometimes cool that humungous building when they only have a couple of customers.

When we bought the house in October 1992 there were no air conditioners, so it is not as if we knew what we were getting into.

William Perry
590 Whistler Tr.

From: Ian Stuart
Sent: Tuesday, October 25, 2016 3:16 PM
To: McLean,Greg
Subject: Noise Bylaw

Mr. McLean:

As a resident near Woodbine and a principal of a local high school with a sports field adjacent to residential properties, I see this issue from both sides.

1. The restricted times in the bylaw make perfect sense.
2. Having your enforcement personnel contact the school and discuss complaints is very helpful to finding solutions. This has happened at Holy Cross and is a best practice. City staff deserve commendations for how they have managed complaints in this manner.
3. As a resident, I recognize that by living near a sports facility, I will be impacted – by the PA at the BMX track, by whistles on Woodbine 5, by soccer tournaments on the weekends. I have never had occasion to complain about individuals engaged in healthy activities and I encourage you to do all you can to ensure these activities are not curtailed.

Ian Stuart,
Principal,
Holy Cross Catholic Secondary School,
1085 Woodbine Road,
Kingston, ON K7L 2V9

From: Colleen Flindall
Sent: Tuesday, October 25, 2016 3:54 PM
To: McLean,Greg
Subject: PUBLIC CONSULTATION - NOISE FROM SPORTS FIELDS

As a senior citizen living on Country Club Drive - which is near Lake Ontario Park (approx. 2 blocks) and a few blocks from Queen's football field, I actually enjoy hearing the activities going on. I may feel differently if we were 'right next door' but at this distance I like to know that the locations are being used and enjoyed.

Yours truly, Mrs. Colleen Flindall
159 Country Club Drive
Kingston, On. K7M 7G8

From: Sean Tait
Sent: Tuesday, October 25, 2016 3:57 PM
To: McLean,Greg
Subject: noise bylaw comments

Mr. Mclean

We received your letter regarding the proposed noise bylaw changes. Our home backs on to Jim Beattie field. There are soccer games in the evening in the summer with whistles, lights, and cheering. We have never found this to be a problem. We knew when we bought a home near a sports field that this was to be expected.

Regards,

From: Colette Steer
Sent: Tuesday, October 25, 2016 5:30 PM
To: McLean,Greg
Subject: City of Kingston Noise By-Law Revision

To the Members of City Council

I am writing on behalf of my family about the City of Kingston Noise By-law revisions and the proposed recommendations related to the use of outdoor sport fields.

We currently live adjacent to SLC college and prior to that lived close to the west campus fields at Queen's University. It is/was common for us to hear play-related sounds coming from the sport fields at both SLC and Queen's. We also frequently hear sound from activities at Lake Ontario Park, as well as the many running events that take participants through our neighborhood. We have enjoyed hearing the sounds of a vibrant community at play and seeing children, youth and adults involved in physical activity!

As a household we support the proposed recommendations related to sports fields because we believe strongly in:

- opportunities for physical activity for all members of our community and the positive effectiveness this has on personal health and wellness.
- the value of youngsters having access to and participating in organized sport – especially in these times of increasing sedentary lifestyles, obesity, type 3 diabetes.
- the ability to attract varied sporting and cultural events to our community is a way to build social awareness, volunteerism, citizenship and community pride
- the benefits that are associated with bringing families and communities together in a positive way.
- maximizing the availability and use of all recreational facilities in our community.

For these reasons, and many others, we believe that increased free-play and organized sport for all members of our community, while respecting the reasonableness of being a good neighbor, serves the broadest interests of the community.

In our opinion, these recommendations increase opportunities and provide a uniform and common set of standards for the use of sport fields (both City Fields and the non-municipal fields) in a balanced and appropriate way and we support the recommended changes.

We trust that our feedback will help our Councilors in considering all aspects of this matter leading to a reasoned outcome that best serves all members of our community.

Sincerely

C. Steer

From: Newton Douglas
Sent: Tuesday, October 25, 2016 6:50 PM
To: McLean,Greg
Subject: Public Consultation - Noise from Sports Fields

Follow Up Flag: Follow up
Flag Status: Flagged

I have received the letter pertaining to Public Consultation -Noise from Sports Fields.

In reviewing the information on the City of Kingston/Getinvolved web site, I see nothing there which should be a concern to residents in the area.

Generally speaking all the noise originating from this space is associated with people enjoying themselves, having fun and getting exercise. As such, nothing in the Bylaw should limit or restrict such activities.

As a resident backing on to Woodbine Park it is great to see and hear people getting exercise and enjoying the outdoors.

One concern I do have is not associated with noise but with light pollution and energy conservation.

Throughout the year on many occasions one will see many of the high intensity sports lights illuminated into the early morning hours lighting up empty fields.

For those of us who have bedrooms exposed to these lights their illumination late into the night (Beyond 11:00PM) disrupts sleep. Also, when no-one is present to utilize this illumination, having the lights burning is a waste of energy and taxpayer dollars.

Newton Douglas

1053 Katharine Cr.

From: Joanne Steven
Sent: Wednesday, October 26, 2016 8:53 AM
To: McLean,Greg
Subject: Noise from sports fields

Good day

Complaints from the Noise from sports field, is as bad as complaints from the Ice Cream Truck.

I would rather hear noise at a sports field as it keeps our kids off the streets, doing drugs.

Noise is a reminder people are active

Noise is a reminder people are having fun Noise of laughter is relaxing Noise from the sports field is good as we know the field is being used.

Too much consideration is based on public opinions, and we need to remember what it was like, before complaints were subject to change what is good in things. Like hearing the Ice Cream truck, and Noise from the sports field is just a part of life.

Thank you

Craig Steven

From: Lanny Klassen
Sent: Wednesday, October 26, 2016 9:43 AM
To: McLean,Greg
Subject: Noise from sports fields

"Public Open House". Another silly, unnecessary exercise by our illustrious City administrators.

Why not just let the sports fields be used as sports fields and if there's some noise that's probably good because it means they are being used as intended. If you don't want noise turn them into flower gardens. That's probably a bad idea since someone else will find a reason to complain about the colour of the flowers. Why not hold another meeting to discuss alternative uses for the fields?

[Lanny Klassen](#)
468 Canterbury Crescent
Kingston, ON K7M 6X1

From: Mary-Jane Mills-Rogers
Sent: Wednesday, October 26, 2016 12:05 PM
To: McLean,Greg
Subject: Sports fields

Follow Up Flag: Follow Up
Due By: Wednesday, October 26, 2016 6:21 PM
Flag Status: Flagged

Hi Grey, my name is Mary-Jane Rogers and I live at 12 Hatter Street. Our home backs onto Garigan Park. We feel so fortunate to have a home that backs onto the park, and have no concerns or complaints. The sound of the baseball games at night is wonderful as we can hear the 'tink' of the ball hitting the bat! Very peaceful!
Thank you,
Mary-Jane

From: B Lafleur
Sent: Wednesday, October 26, 2016 2:26 PM
To: McLean,Greg
Subject: Public Consultation - Noise from Sports Fields

Follow Up Flag: Follow Up
Due By: Wednesday, October 26, 2016 6:55 PM
Flag Status: Flagged

Hi Mr. McLean,

I received a letter from your office yesterday regarding the possible changes that the city may recommend in regards to how noise from sports fields is regulated.

I am at 795 Downing St which is adjacent to the Bayridge Secondary School sports field.

My opinion on the noise level that emanates from events from this particular sports field is that it is very much kept to a reasonable level and has never been an issue for us at all. We are close enough to hear the cheering and whistles being blown however it really is not something that I would consider as being a problem.

In this day and age of kids steering away from organized sports, it's actually a nice thing to see and hear.

Thanks,

Bernie Lafleur

From: Brian Devlin
Sent: Wednesday, October 26, 2016 3:21 PM
To: McLean,Greg
Subject: Noise in sports fields

Follow Up Flag: Follow Up
Due By: Wednesday, October 26, 2016 6:56 PM
Flag Status: Flagged

Thank you for the notice of the public meeting and an opportunity to comment about sports fields usage.s We have lived close to sports fields for 40 years, the past 38 within three houses of Jim Beattie park.

We have never been bothered by noises of people playing games and participating in sporting events at the park.

We are very troubled by the people who complain about these events and the noise from whistles!

Should we not be promoting these activities and encouraging our citizens to live active lives?

Please do not pass bylaws that would prohibit people from participating in active living activities that may include the blowing of whistles.

Thank you,
Brian and Liz Devlin
389 Chelsea Rd.

Sent from Liz and Brian's iPad

From: Van Sweezey
Sent: Wednesday, October 26, 2016 6:08 PM
To: McLean,Greg
Subject: Public Consultation - Noise from Sports Fields

Dear Mr. McLean

Thank you for your letter, pertaining to the proposal to alter the City of Kingston Noise Bylaw, more specifically to 'change how noise from sports fields are regulated.'

As a resident living adjacent to a highschool sports field, I appreciate the opportunity to provide comment.

I am completely against changing the bylaw. It is safe to say, the intent is to increase restrictions, to placate a minor number of residents who are upset with current noise levels and times of noise. This assumption is based upon the fact that no owner of commercial land use, community land use, or industrial land use, would complain about sports field noise. The complainant is in all likelihood, residential.

Please consider that:

- The schools and sports fields exist, and in all likelihood existed prior to the upset resident(s) moving into the sports field's proximity. Clearly, the resident should not have moved to that location, as noise from a public sports field should have been anticipated.
- 'Community' land use, such as a school or sports field, is an appropriate land use to be adjacent to 'Residential' land use. 'Industrial' land use should be separated from 'Residential' land use by a suitably sized 'Commercial' area of land use. These are accepted principles of proper community planning.

In summary, it is my opinion that the issue of sports field noise is one that is being forwarded by a person or persons who are selfish, and self-entitled, and have little use for the free enjoyment of community space. I personally enjoy the sound of children / youth playing, and see no issue with the timing of such noise. The 'noise' could be seen as uplifting, and a positive part of our free lifestyle.

The complaint / concern has little if any merit, and should be dismissed.

I thank you for the opportunity to provide comment.

S.V. Sweezey
969 Limestone Drive
(backing onto Holy Cross football field)

From: Rod and Denyse
Sent: Wednesday, October 26, 2016 8:33 PM
To: McLean,Greg
Subject: noise from Sports Fields

Mr. Greg McLean

We am writing in reference to the Public Consultation-Noise from Sports Fields flyer that we received in the mail.

We live on Chartwell Crescent and our house backs onto the park and LaSalle High School, school yard.

We are totally opposed to any changes to noise bylaws. The park and school yard are for children, school sports and the enjoyment for anyone who wants be be out doors. There are not many places in the city where people can enjoy open spaces, play sports and use park facilities.

There are not many nights when football or other sports continue after dark.

A comparison, if you live by an airport, expect airplane noise. If you live next to park, expect some park noise. If you envision not enjoying people enjoying the outdoors, don't buy a house backing onto a park.

Regards
Rodney and Denyse Brown

From: Barry and Susan Johnston
Sent: Thursday, October 27, 2016 11:36 AM
To: Osanic,Lisa; McLean,Greg; Barry and Susan Johnston
Subject: RE: Letter regarding Public Consultation - Noise from Sports Fields

We live with Woodbine Park in our backyard.

It has become very, very challenging to even try to enjoy our backyard anymore. The extreme dust from the gravel road makes it almost impossible to sit in our yard, also to hang out laundry is ridiculous. I have to put them in the dryer to get the dust off my laundry. Defeats the purpose of trying to save energy.....

Also, when did Woodbine Park become an off leash park for dogs???? Every day there are dogs and owners out and about without being on leash. I have dogs, we never go in the park with our dogs anymore because of the fear of the loose dogs out there.

The noise levels have increased.... There are vehicles speeding around in the park at all times of the day and night. Unfortunately, some of the offenders are even the city employees. There seems to be areas in the park that people like to party(or fight), thinking no one can hear them.

Why do I pay taxes on my property when I can't even enjoy my own backyard. The City of Kingston approved the development of the park. We love seeing all the fields being used. It is great to see that kids are using the park.

We have called a lot about these issues over the years. We have really just given up hoping that you will do anything.

Noise is not the only problem.....

Respectfully yet Doubtful,

Barry and Susan Johnston

From: Bonnie Viner
Sent: Thursday, October 27, 2016 1:03 PM
To: McLean,Greg
Subject: Noise from sports fields

Follow Up Flag: Follow Up
Due By: Thursday, October 27, 2016 1:28 PM
Flag Status: Flagged

Mr. McLean,

My husband and I are in no way bothered by any of the noise from sports fields. Particularly in this age of sedentary lifestyles, I appreciate knowing that people are getting exercise and enjoying themselves. Especially in the case of young people, so much has been eliminated for safety considerations, please encourage them to get onto the fields to run around.

If people are complaining about noise, I suspect that, in general, they knew there were fields in the area when they chose to live near them. It's hardly fair to let them influence their use after the fact. Also, I'm sure the fields are in use at appropriate hours. If the sounds coming from the fields disturb some people, they have to accommodate, as we all have to accommodate to things we may not like but do us no harm.

Sincerely,
Bonnie Viner

From: Steph R
Sent: Thursday, October 27, 2016 2:34 PM
To: McLean,Greg
Subject: Noise from Sports Fields

Good afternoon Greg,

I received a letter from the city of Kingston asking the opinion of residents about the noise from sports fields. I back on to Holy Cross High School and the school hosts many football games and other sports that incur noise. On a clear summer day, I also hear whistles and amplified sounds from Woodbine park. I have absolutely no issues with these sounds. I've always encouraged my kids to play outdoor sports and enjoy the fresh air and team spirit rather than focusing on social media. Sports are very important for kids and they must experience the full affect. Which includes cheering fans, whistles and horns. Noise here and there should be a reminder to us residents, that the kids are having fun and that's what it's all about. Kids today need to learn how to win and how to lose and I hope that the city of Kingston will allow them to learn this valuable lesson. Some communities are banning road hockey, skating rinks on properties which I personally don't agree with. I hope that the city will consider my thoughts and keep encouraging kids to be kids and have fun. A little noise here and there, is not the end of the world.

Respectfully,

Stephane Rouleau
981 Limestone Drive
Kingston, Ontario

From: Tanya G
Sent: Saturday, October 29, 2016 7:01 PM
To: McLean,Greg
Subject: Noise from sports field comments

Follow Up Flag: Follow Up
Due By: Sunday, October 30, 2016 10:19 AM
Flag Status: Flagged

Dear sir

I don't wish to sound like a negative person however for some time we have had to live with the noise cause by the power play centre on gardeners road and I don't want them to be permitted to start this at 8:00am nor do I want the hours extended at all. As is it is a bone of contention for us, and I certainly don't want this racket waking us up. Our master bedroom faces the bowling alley parking lot and in the summer months we have to the fall asleep listening to this outdoor whistle and fan yelling and hooting as well as the pa noise. It would have been nice to ask residents prior to providing them with so many exceptions. Any noise outdoors beyond 10 pm should not be permitted in summer months when people need to have windows open to circulate air. Any loud noise outdoors in fall and spring should be restricted to low volume and not exceed 10:30, I get up at 6:00 am so obviously I go to sleep at 10:00pm. I don't think it is unreasonable to expect quite at that time to facilitate sleep. Also excessive noise is now responsible for hearing loss under wsib so why should we expect to subjected to excessive noise in our personal life for other people's enjoyment. Why don't I have a right to peace and quiet and a good night sleep.

Kind regards

Tanya and Marian Gusciora
583 Davis drive

From: jen_kev_1
Sent: Monday, October 31, 2016 7:21 AM
To: McLean,Greg
Subject: Noise from sports fields

Dear Mr. McLean

We are sending this email in response to the public consultation message we have received . We live next door to Pierson park on Joyceville Rd. In the winter we have an active ice rink right next door and in the summer months the 2 baseball diamonds get lots of use as well .

When we purchased our home in 1999 the rink and ball diamonds were active and they were actually a selling feature of our home as we had young children at home at that time who took full advantage of the rink and the park. Our grandchildren now play at the park and skate at the rink.

We are not bothered at all by the sounds of children and adults playing outside - whether it's whistles from the ice or ball fans clapping and encouraging players. These sounds have been here since we have and for us they mark the passing of the seasons .

We would be greatly saddened if this were to change .

If we can be of further support to maintain these areas please don't hesitate to contact us .

Sincerely

Jen McGee & Kevin Titley
Homeowners 1680 Joyceville Rd.

Ps- if you could let me know who to contact regarding some repairs at the park that would be great

Sent from my Samsung Galaxy smartphone.

From: Contactus
Sent: Monday, October 31, 2016 9:04 AM
To: Bylaw Enforcement
Subject: FW: [Contact Us Portlet] New Message LM REF 590465

Hello.

Please see below.

Thank you,

Linda

Customer Service Representative | Client Services City of Kingston
Email: contactus@cityofkingston.ca
Phone: 613-546-0000 | Monday to Friday 8AM – 5PM
Fax: 613-546-7816

-----Original Message-----

From:
Sent: Friday, October 28, 2016 9:52 PM
To: Contactus
Subject: [Contact Us Portlet] New Message LM REF 590465

Category: Customer Service

Comment: Re: Noise From Sports Fields: We are right next to a soccer field. The noise from the field does not affect us at all. Sipho and Charles Ibeakanma and all the 450 Portsmouth Ave. residents.

Reply: No

Name: Sipho Ibeakanma

E-Mail:

Phone: 6133294300

From: Frank Halligan
Sent: Monday, October 31, 2016 1:28 PM
To: McLean,Greg
Subject: Noise Bylaw

Importance: High

Dear Mr McLean,

I am the Athletic Coordinator for Kingston High School Sport in my position with the School Boards. I want to note my approval of a move to change the noise bylaw such that there would result in a consistent field use conditions across all outdoor sport fields and would increase time available for programs in Kingston and Area. In sports, there is an attempt on the part of rule developers and rule enforcers to provide a "level playing field" so that competitions are as equitably run as possible. At this time in Kingston, a level playing field does not exist between City of Kingston owned and operated properties and other stakeholder owned and operated properties. May I provide a couple of cases. KASSAA, the Kingston and Area Secondary School Athletic Association , organizes championships on neutral sites from the school sites. These are either held at City owned properties or other stakeholder owned properties (such as Queen's University, St. Lawrence College, etc). KASSAA can run its soccer championships at the City owned McCullough Fields and use amplified sound to introduce the teams, have the National Anthem sung, and provide public service announcements from 1 pm to 5 pm without the necessity of applying for a noise bylaw exemption. However, if KASSAA wanted to run the very same championships at St Lawrence College Soccer Pitch or Queen's Stadium at the very same time and with the very same uses of amplified sound, I , as Athletic Coordinator for KASSAA , would have to apply for a noise bylaw exemption at least 8 weeks in advance, have this request passed by City Council, and pay the associated fee of \$118 for this to be permitted. This is to simply have the anthem sung, announcements made (which are necessary for possible safety and security issues), and players introductions /trophy presentations carried out. This is inequitable and lacking in fairness. To show this inequity even further, if KASSAA decided to have these games played from 6 pm to 10 pm, KASSAA could schedule these championship games at the fully lighted Jim Beattie Park or Caraco Field and would not need to request a noise bylaw or light bylaw exemption. If we were to try to hold these games at any of Queen's lighted fields, KASSAA would have to go through the same request for exemption process as noted before plus request an artificial light exemption. This again is inequitable and unfair. What is in place for City owned and operated facilities should be in place for other stakeholder facilities. Therefore, KASSAA , on behalf of its 13 Secondary Schools representing the Limestone District School Board, the Algonquin Lakeshore District School Board, Conseil des écoles catholiques du Centre-Est, and the Conseil des ecoles publiques de l'Est de l'Ontarien, is supporting the following proposed amendments:

- Allowing the use of game whistles. game-related PA announcements and the national anthem
- Allowing "yelling, shouting, hooting, whistling or singing during organized sport activities" to occur in residential areas from 7:00am (8:00am on Sunday) to 10:30pm.
- Clarifying definitions.

This change would lead to a 'level playing field' and would support school sport. It would not lead to a huge number of amplified events beyond what is normally done in the course of our school year.

KASSAA provides opportunities for over 4,000 student athletes to participate in the Kingston and area. Supporting this amendment supports them.

Thank you for considering this request,
Frank Halligan
Athletic Coordinator
KASSAA

From: Pierre Lavallee
Sent: Tuesday, November 01, 2016 2:02 PM
To: McLean,Greg
Subject: Public Consultation-Noise from Sports Fields

Follow Up Flag: Follow Up
Due By: Tuesday, November 01, 2016 3:30 PM
Flag Status: Flagged

Mr McLean,

I reside at 2262 McIvor Road which is directly across from the city park and the baseball fields. My understanding of the existing by laws for sport field seems to be light out and game over by 23:00h which everyone is respecting. The park was there before I purchase my house and probably will be there way after my time so I have no issues whatsoever with using the park as its designed for. Noise and field lights comes with parks which is inspected. The existing Bylaw governing the use of parks satisfied me and my family.

For the resident living close to any sport parks and are annoyed by what it generate should think about moving somewhere else. Let people enjoy what our taxes are providing.

Tks for your time

Pierre Lavallee

From: Matthew
Sent: Tuesday, November 01, 2016 2:41 PM
To: McLean,Greg
Subject: New noise by-law extension

Hello Greg,

I am the super attendant at 311 Yonge St (8 units total) just in behind Richardson Stadium. I have been looking at the noise bylaw extension and see that basically, the stadium, and other such fields in the city, will be allowed to be active and noisy from 8am to 10:30pm 7 days a week if the changes are passed. *I personally do not like this idea at all and I am against it.* I am self employed work from home on my computers all day and am here 90 percent of the time. I quite enjoy the peace and quiet that we have here. Currently I have been shutting my windows, even on nice days to avoid hearing the activities at the stadium. One or two events a week I can put up with during the season but all the time is completely unfair to all residents in the area as the noise travels through the neighborhood quite easily. We have a right to peace and quiet here while enjoying a nice breeze through our apartments during the warmer months. Having recently put up with the noise from the tearing down and rebuilding of the stadium plus the recent road construction that took place here on Yonge st, which I found to be very stressful at times, I can tell you I did not enjoy having to put up with the heat and the noise at the same time and the even thought of having to put up with such noise again is a little stressful as well. So please add my vote to those who against this part of the extension.

I will not be able to attend the hearing next Monday night to give my opinion in person as I volunteer my time every Monday and Tuesday nights locally with Club Church (Project Reinforcement)

I hope this comes across as polite and not rude in any way.

Thank you very much

Matthew Doucette

From: Igauthier
Sent: Wednesday, November 02, 2016 10:03 AM
To: McLean,Greg
Subject: Noise

I received your letter about noise from sports fields.

I cannot believe people have nothing better to do than sit around to find things to complain about in this city. I live near a sports field and when I hear all the yelling I know people are having fun, getting out and enjoying themselves. That is as bad as complaining about the ice cream truck being noisy. If you do not like the noise move.

Get a life and find something better to complain about.

From: Reimer, Cara
Sent: Wednesday, November 02, 2016 10:09 AM
To: McLean, Greg
Subject: Sports Field Feedback

Hello,

Thank you for the opportunity to share my thoughts about noise and sports fields. Our backyard faces Holy Cross High School. I appreciate the importance of sports and physical activity for children and youth and I think that we are lucky as a community to have that field there. The occasional noise from a football game or team practice is not a big deal for me.

The issue that I have had has been during daytime hours when there is music that is played during what I perceive to be school fun days and/or during team practices or gym class. I have called the school a couple times this year and asked if this music could be turned down, as I can hear it inside the house when I'm trying to sleep after a night shift and it prevents me from enjoying my yard. They have been receptive and kindly listened to me. In an ideal world, I would appreciate if the playing of music would not be permitted in sports fields.

Thank you,

Cara Reimer, MD, FRCPC

Queen's Anesthesiology

From: Ryszard Pietka
Sent: Wednesday, November 02, 2016 10:35 AM
To: McLean,Greg
Subject: Noise by-law review
Attachments: noise by-law2.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. McLean,
As the very short deadline for submitting comments - November 10, is fast approaching, please find attached comments regarding proposed changes to the Noise by-law. Hope you will find this as constructive voice in conversation, and will be able to attach it to your report.

Best regards,
Ryszard Pietka

From: Malgorzata Maliszewska
Sent: Wednesday, November 02, 2016 2:23 PM
To: McLean,Greg
Subject: Proposed sport field noise bylaws

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. McLean,

I am a Churchill Street resident which means I will be directly and aversively affected by proposed noise by-law changes and particularly by the amplified sound and loud voices of the spectators.

In the past, St. Lawrence College tried to convince immediate neighbours that their newly installed lights and events on its sport field will not affect us. They couldn't be more wrong. They rented the field to some other organisation which used amplified sound and it was one of the worse weekends I had since I live on Churchill Street. The music and the announcements were so loud that even closed windows didn't help. I could hear it in my house, and there was no escape from it. The low frequency sound was seeping through the walls and was extremely disturbing. Loud sounds also affected my pets- they started to get anxious and restless.

Just because I was already exposed to amplified sound and loud noises coming from the sport field, I know that if the proposed changes go through, my life will be difficult. The vision of loud music and voices coming from the field from the morning to late at night is really terrifying. I wonder what quality of life I will have. There is no way I could enjoy my gardening or simply being outside with this noise. I doubt that I will even be able to stay long in my own house, which is –frankly- an absurd idea. Everyone should be able to enjoy their own homes and time in the backyard; at any time of the day.

I wholeheartedly support the idea of people playing sports and this past summer/fall was an enjoyable experience to watch children and young adults playing there. It was enjoyable for me because they did it with no amplified sound. Yet everyone seemed to have a good time.

I appeal to you to leave the noise by-law as they currently are. Please do not condemn your taxpayers to noise pollution. Please create by-law protecting people, not big organisations.

Sincerely,
Margaret Maliszewska

From: Seguin, Rachelle
Sent: Thursday, November 03, 2016 8:22 AM
To: McLean,Greg
Subject: noise on west campus

Follow Up Flag: Follow up
Flag Status: Flagged

Hello

I'm writing to you as a long time citizen of the Kingston area. I believe Queen's University and its sports and recreation program are a large part of the Kingston community. I recently bought a house in Mowatt Woods (only 2 blocks from Richardson stadium). Not once did it occur to me not to buy in this area due to noise coming from the stadium. I admit some of the noise around construction was a little annoying but I knew it was temporary. The amount of noise I hear is minimal and when I do hear noise it is the signing of the national anthem and the cheers of happy fans.

I think the city should continue to allow Queen's to hold sporting events that include the use of whistles and game related PA announcements.

My only concern around the use of fields at West Campus are the large lights that shine onto the stadium. I am surprised how late they are on and I would hope that the university and the city would consider the amount of light pollution this causes to surrounding areas in the evenings past 9pm.

Thank you for your time

Rachelle Seguin

From: joseph kotowicz
Sent: Thursday, November 03, 2016 10:36 AM
To: McLean,Greg
Subject: Noise Bylaw

I have no objection to the noises coming from playing fields, whether it be whistles, music etc. Sports are an integral part of our well being, including development of sportsmanship and interaction with others.

Joseph Kotowicz
360 Montreal St.
Kingston.

From: R. Michael Rodé
Sent: Friday, November 04, 2016 8:57 AM
To: McLean,Greg
Cc: rode.loussanne@gmail.com
Subject: Noise Bylaw Review

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir or Madam,

I would like to take the opportunity to present my views on the proposed changes to the current noise bylaw. I reside with my family at 176 Mowat Avenue, which is located between Richardson Stadium and St Lawrence College and in close proximity to Lake Ontario Park. The noise from events at these locations can be heard at my home. Therefore, I am opposed to extending the hours for "Game related PA announcements and the national anthem" as well as "Yelling, shouting, hooting, whistling or singing during organized sporting activities".

For events that would potentially breach the times listed in the current Noise By-Law, I believe the current procedure to request a one-time exemption is sufficient to accommodate the event organizers. However, I would be interested in receiving any information relevant to the application to change the current by-law including, but not limited to, the justification for the extension.

Yours truly,

R. Michael Rodé
Barrister and Solicitor

303 Bagot St., Suite 3, PO Box 2278
KINGSTON, Ontario, K7L 5J9

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From:
Sent: Friday, November 04, 2016 3:13 PM
To: McLean,Greg
Subject: Noise from Sports Fields

Follow Up Flag: Follow up
Flag Status: Flagged

As a resident who lives directly across from Woodbine park, I am not in favour of extending the hours of usage or allowing increased amplified sounds of any sort.

It is not only the elevated noise levels which are an issue, but the increased wear and tear on the sports fields. My husband and I have had the experience that the daily usage of the green spaces, baseball fields, and volleyball courts by Holy Cross Secondary School has not been an ideal situation for both the sports field or the surrounding community. Incidents of damage and vandalism by students has not been dealt with appropriately and in fact, has generally been ignored by the school.

I have spoken to and emailed my former and present city counsellors regarding the issue of school usage and have never received a definitive answer if Holy Cross is indeed paying user fees (like other sports organizations) to off-set the costs which occurs from scheduled events, sports teams and regular phys-ed classes. Kingston City tax payers should not be financially responsible for additional funding for upkeep to Woodbine Park. The Catholic School Board should adequately compensate the city at a suitable daily rate.

Thank you for notifying me of the Public Consultation.

Cheryl Young
1102 Caitlin Crescent
Kingston On
K7P2S4

Sent from [Mail](#) for Windows 10

From: Diane Taggart
Sent: Saturday, November 05, 2016 10:59 AM
To: McLean,Greg
Subject: Noise from sports fields

Follow Up Flag: Follow Up
Due By: Saturday, November 05, 2016 12:07 PM
Flag Status: Flagged

Hi Greg,

I live behind the Star Tech soccer fields in the east end of Kingston. I received the letter from the City regarding noise from the sports fields. We do hear noise from the soccer fields in the evenings and some Saturdays during the spring, summer and fall. We don't find the noise bothers us as we only heard the odd whistle or cheer from the fans. I enjoy hearing the noise as I know that kids are outside getting exercise and having fun. I like the idea of having a time that the noise must end at night as people may find it difficult to sleep if the noise went too late.

Thanks for getting our input!

Diane Taggart

From:
Sent: Sunday, November 06, 2016 8:59 AM
To: McLean,Greg
Subject: Noise from sports fields

Dear Mr. McLean,

I oppose any changes to the noise by-law that would increase the level of noise and duration of noise coming from the nearby sports fields or college. My property backs onto St. Lawrence College.

Sally Gardiner

129 Country Club Drive,

Kingston, ON K7M 7B8

From:
Sent: Sunday, November 06, 2016 9:26 AM
To: McLean,Greg
Subject: Noise from sports fields

Follow Up Flag: Follow Up
Due By: Sunday, November 06, 2016 3:05 PM
Flag Status: Flagged

Hello, my name is Mary and I live at 325 Renda St. Jim Beattie soccer field is behind my back yard. I have no problems with the noise, in fact I love to hear the kids playing. There is only one extremely irritating noise. I think it is a bullhorn which they use at their tournaments. It is annoying and loud especially on Sunday mornings. I wish they would find some other way to designate the beginning or end of a game.

Thank You

Sent from [Mail](#) for Windows 10

From: Corinne Allan
Sent: Sunday, November 06, 2016 1:15 PM
To: McLean,Greg
Subject: Noise Pollution Review

Follow Up Flag: Follow Up
Due By: Sunday, November 06, 2016 3:05 PM
Flag Status: Flagged

Dear Mr. McLean:

I was born in Kingston 76 years ago and have a long association with Queen's University, not to mention the problems that it has perpetually created for nearby home owners - problems that have absolutely nothing to do with education and everything to do with self-centred youth (and overly-sentimental Alumni) whose justification is that they are a source of revenue to the city - as if we have not, all of us, been huge sources of revenue for the City of Kingston.

Extending the hours of noise pollution in favour of students who eventually go on to live elsewhere, returning only for Home-Coming week to relive their thoughtless youth, is a grave insult to permanent, tax-paying residents, and will cause more problems for the City than it will ever solve.

Residents near Sir John A. MacDonald have enough to contend with as motorcycles rev their very loud engines and car drivers ramp up their base boom music at stop lights - regardless of time of day or night. Yes, there are inconsiderate people everywhere, but that's no reason for City officials to encourage more of it.

I do hope Council will see reason on this issue, and work to accommodate all residents of Kingston, not just the relatively few temporary ones.

Sincerely,
Corinne Allan
40 Cliff Cresc.
Kingston, ON K7M0G1

From: Justin A. Connidis
Sent: Sunday, November 06, 2016 5:07 PM
To: McLean,Greg
Subject: Proposed Stadium Noise By-law

Follow Up Flag: Follow Up
Due By: Sunday, November 06, 2016 6:07 PM
Flag Status: Flagged

Dear Mr. McLean,

This is to register my strong objection to the proposed Stadium definition and noise by-law. I am a resident of Old Sydenham Road and also own two residential properties in the Portsmouth Village area within hearing distance of Richardson Stadium if the wind is calm or not from the west. I also own two downtown Kingston residential and mixed use properties. To allow these types of activities within hearing distance of residential neighbourhoods is totally inappropriate. The definition of Stadium is also ridiculously broad. The City seems to be trying to do everything it can to make Kingston an unlivable city and to encourage people like us sell out and move our business interests elsewhere.

Yours very truly,

Justin Connidis

Justin A. Connidis Lawyer

199 Bay Street	Phone
Suite 2200	Mobile
Commerce Court West	Fax
Toronto ON M5L 1G4	Email
Profile	V-Card



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From:
Sent: Friday, November 04, 2016 3:13 PM
To: McLean,Greg
Subject: Noise from Sports Fields

Follow Up Flag: Follow up
Flag Status: Flagged

As a resident who lives directly across from Woodbine park, I am not in favour of extending the hours of usage or allowing increased amplified sounds of any sort.

It is not only the elevated noise levels which are an issue, but the increased wear and tear on the sports fields. My husband and I have had the experience that the daily usage of the green spaces, baseball fields, and volleyball courts by Holy Cross Secondary School has not been an ideal situation for both the sports field or the surrounding community. Incidents of damage and vandalism by students has not been dealt with appropriately and in fact, has generally been ignored by the school.

I have spoken to and emailed my former and present city counsellors regarding the issue of school usage and have never received a definitive answer if Holy Cross is indeed paying user fees (like other sports organizations) to off-set the costs which occurs from scheduled events, sports teams and regular phys-ed classes. Kingston City tax payers should not be financially responsible for additional funding for upkeep to Woodbine Park. The Catholic School Board should adequately compensate the city at a suitable daily rate.

Thank you for notifying me of the Public Consultation.

Cheryl Young
1102 Caitlin Crescent
Kingston On
K7P2S4

Sent from [Mail](#) for Windows 10

From:
Sent: Monday, November 07, 2016 5:32 AM
To: McLean,Greg
Cc: Turner,Laura; Mayor of Kingston
Subject: Noise by-law consultation

Hi Greg,

I'm so disappointed that I cannot make it to the consultation tonight, so please accept my comments for the noise by-law.

For months, I have been discussing the issue of fireworks in residential areas with my councillor, Laura Turner. While I understand that the use of fireworks is already included in the noise by-law (where I hope it stays), I would like to propose that mention be made, for the sake of noise and public safety, that future consideration be made to ban the sale of them in the city. The fact that my neighbours are able to purchase them at numerous locations, confuses them- "if I can buy them, I must be able to use them!" Other products are regulated by our city by-laws, this could be an additional one. Perhaps, education that mentions fireworks cannot be used by residents, during promotion of the great fireworks displays by the city, could also be done to promote compliance.

Thank you.

Erin Vretteas

From: Sam Mitchell
Sent: Monday, November 07, 2016 9:06 AM
To: McLean,Greg
Subject: Noise bylaws

Good morning,

I would like to have my ideas and opinions shared on the upcoming noise bylaw review.

I feel that public sports fields (owned and operated by public institutions are fine to use the fields, use whistles and make some reasonable noise after 9pm. However these are public not for profit institutions that own and operate these sports fields. This should also not exempt them from using sound dampening technology and that if there are complaints they should be required to install reasonable sound dampening equipment and audiometric testing at the point of impingement from their property to the adjacent ones. Kids playing on public sports fields that are used for 6 months of the year is fine as most sports fields have been there longer than the residents have lived in the neighbourhood. Private companies building next to existing residential neighbourhoods is a different story.

For private sports fields and business's however I feel that they should not be exempt from the bylaws as someone is making profits of the noise and loss of enjoyment of a quite neighbourhood because of there business. I have family whose property backs on to the power play centre and there is no noise dampening barriers, the adult men swear, yell and scream at each other and honk their horns in their cars. To have a private company make more profits by running later they are lowering property value in the neighbourhood whereas a public sports field is free for anyone to use or used by a public institution a group like the powerplay centre is making a lot of money from sole use of the property with no sound dampening barriers.

With both private and public sports fields I feel that a revocation clause should be in the updated bylaw if there are a number of complaints that are no adequately rectified by the sports field or business. Also if more bylaw exemptions are given we need to have greater enforcement of the bylaws and a guide as to what is within the bylaw and what is outside of the bylaw (ex. Some Whistles, banging of sticks, light talking is allowed/ yelling, screaming, swearing, air horns are not allowed).

Thank you for your time,

Sam Mitchell

From: on behalf of Sharon Nixon
Sent: Monday, November 07, 2016 1:36 PM
To: McLean,Greg; Ron Wand
Subject: STADIUM NOISE

Dear Greg,

My husband and I own a home on Oakridge Ave. right across Sir John A.

We are absolutely thrilled with the improvement made to the stadium and even put a gate in our backyard so we could access the field even quicker!!!

I am a figure skating coach and my boys play soccer so we often walk across to watch football, soccer practises and games plus track and field events etc.

We do not nor have we ever had a problem with noise or lights. Our young boys (now age 6 and 10) had bedrooms at the back of our house. Never have we closed the blinds at night or had to shut our windows. We enjoyed the hot tub in our backyard and do hear sounds such as music, cheering at appropriate hours but never to the point of being a concern.

In fact, what better sound that knowing our Gaels scored a touchdown!

I wish you the best of luck satisfying a few crazy neighbours that have nothing better to do with their time than complain.

Cheers,
Sharon

--

Professor Sharon Nixon, M.A., ABD
Professional Figure Skating Instructor
Phone:
Fax:
Email:
Web:

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From: Helene Kommel
Sent: Monday, November 07, 2016 2:46 PM
To: McLean,Greg
Subject: Public Consultation - Noise from Sports Fields

Mr. Greg McLean
Licensing and Enforcement
City of Kingston
Kingston, Ontario

Dear Mr. McLean,

Thank you for the opportunity to comment on the suggested changes to the Noise Bylaw as pertains to the regulation of noise from sports fields. I received your notice in my mailbox at 5 Collegeview Crescent, which is very near the playing fields of St. Lawrence College.

My house at 5 Collegeview Crescent is built to the International Passive House standard. As such, it boasts extraordinary insulation from outside noise. Inside the house with the windows closed, as would be the case during all or nearly all of the College sports season, essentially no outside noise of any kind can be heard.

Thus, owing to the outstanding noise insulation of this house, *I have no reason to ask the City to strengthen the current Noise Bylaw.* If others built or retrofit their homes to the International Passive House standard, they would have no reason to complain, either.

The only noise issue I have had, throughout over thirty years of living in Kingston, has been the drunken revelling of pedestrian partygoers in the vicinity of my homes at 510 and 482 Brock Street, during Homecoming and to some extent, Orientation. At these times, windows are commonly open during normal sleeping hours. Moreover, the activities and behaviours of these noise makers can be dangerous and destructive, unlike organized sporting events (as a rule). I wish that these disturbances were more consistently monitored and policed.

Again, thank you for the opportunity to comment.

Yours truly,

Helene Kommel

From: Robert Wojcik
Sent: Monday, November 07, 2016 4:49 PM
To: McLean,Greg
Subject: Comments re: Noise from Sports Fields / Proposed changes to the Noise By-Law

Hello Mr. Greg McLean,

and my fellow residents of Oakridge Ave., Gibson and Yonge St. and others

My name is Bob Wojcik and I live at 16 Oakridge Ave.

My wife Margaret-Anne and I have lived here for more than 30 years.

When we moved into this neighbourhood, Queens west campus was relatively quiet.

Richardson Stadium hosted an occasional football game, track and field meets and a few other stadium events.

Things naturally change and evolve, however the rate of change has been quite rapid over the last few years.

The new sports field in the North-West corner of the property is a nice facility.

And the improvements to Richardson stadium and its field are welcomed.

BUT THE NOISE IS NOT WELCOMED!

I look at this issue, in this way...

I understand that when people purchased their homes in the Gore Road and nearby areas, of Pittsburgh township they were informed right in their sale agreement that there was a possibility of a third crossing someday, via roads very close to their properties.

The potential in the future of increased vehicular traffic, along with the associated noise was reflected in the cost of their home and property.

Exhibit C

When I moved here more than 30 years ago, Sir John A. MacDonald Blvd was already in place along with the traffic noise and of course with the sounds associated with the nearby Fire Station. The Ambulance Station came later, but I have no problem with that type of noise, since this helps everyone for the "Greater Good."

However there was no clause in my land sale agreement, which cautioned me of the potential for large-scale changes to the intended use of the west campus property.

I don't mind some noise, but only what is reasonable.

But I am opposed to the potential for noise from 8 am to 10:30 pm, Seven days a week.

That's way too much leeway for potential noise.

There are many younger families who have recently moved into the neighbourhood, who I'm sure, just as we were when we raised our two sons, that would like to put their children to bed early in the evening, in quiet after a busy day. Therefore I'm against allowing field activity and noise after 8 pm.

I try to follow the Christian way of life and am also opposed to any field activity and associated noise before noon on a Sunday.

If there is an occasional sports tournament, then it may need to start early in the day, and that is reasonable, from Monday to Saturday.

Thanks for hearing my comments.

Bob Wojcik - 16 Oakridge Ave.

From: Peggy
Sent: Monday, November 07, 2016 6:30 PM
To: McLean,Greg
Cc: Susan Reid
Subject: Noise Bylaw Review

Follow Up Flag: Follow Up
Due By: Monday, November 07, 2016 11:33 PM
Flag Status: Flagged

Dear Mr. McLean,

I read the proposal for the new bylaw and was so disheartened by the suggested changes. I have played sports and been active my whole life and support our community's need for active participation in many organized sport opportunities.

I understand that the need to change the bylaw was to make it clearer for everyone. However, as this now stands it is ambiguous. For example: How loud can these amplified announcements be? Is there any restriction on the volume that can be used or are the systems to be as loud as the users would like them to be? As a resident of Oakridge Ave., I find that the new sound system in the Queen's Stadium disturbs any activity I am doing in my home. Is this to be allowed on any sports field in our city? And at any time? Are you really proposing that this kind of disturbance in my own home could happen any day at any time and no one will have any control over it?

You are proposing that this kind of noise can occur on fields that are located in neighbourhoods filled with children and seniors. I feel that exposing people to the kinds of noises that are being proposed from 7:00 in the morning to 10:30 at night will greatly interfere with our quality of life.

I understand that the educational institutions need to run a variety of sporting events, but to accept this bylaw with absolutely no restrictions for fifteen and a half hours every day is greatly unfair to the residents of our city who pay our Kingston taxes and very irresponsible of city staff and elected officials.

Sincerely,

(Peggy) Margaret Browne
10 Oakridge Ave.

From: Frank Halligan
Sent: Monday, November 07, 2016 10:07 PM
To: McLean,Greg
Subject: Thank You

Thank you for your patience at tonight's meeting. The process that you and your staff have worked through has been thorough with a real attempt at levelling the playing field policies.

Frank Halligan
Athletic Coordinator
KASSAA

From: Linda Hart
Sent: Tuesday, November 08, 2016 10:23 AM
To: McLean,Greg
Subject: noise bylaw

Follow Up Flag: Follow up
Flag Status: Flagged

Hi,
Please register me as big NO on extending the house of the noise bylaw.
BTW you didn't put the date of the meeting in the Whig.
sincerely,
Linda Hart....downtown resident

From:
Sent: Tuesday, November 08, 2016 4:48 PM
To: McLean,Greg
Cc: Allen,Richard; Jackie Duffin; Henrik Wevers
Subject: review of the noise by-law

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr McLean

The boat landing on Aragon Road is a favoured place for people with very loud recreational machines to get access to Colonel By Lake. This summer we suffered a few minutes of adolescent jet ski behaviour that was so loud that we could not converse while sitting beside each other on the dock. This activity was repeated, and so we called police. In winter we have large groups who like to race dirt bikes in circles on the ice. When they are too close to shore, the noise inside the house is disturbing, and it even rattles our windows. One year we called the police, who warned the group that people in nearby houses should not be able to hear them.

Could the by-law be clarified to help police see more clearly that this kind of activity is an offence?

Could the by-law create a provision to allow the city to post signs at such locations warning users that excessive noise is prohibited?

thank you

Robert Wolfe
384 Aragon Road
Glenburnie, ON
K0H 1S0

From:
Sent: Tuesday, November 08, 2016 5:49 PM
To: McLean,Greg
Subject: Noise from Sports Fields

Follow Up Flag: Follow Up
Due By: Tuesday, November 08, 2016 7:09 PM
Flag Status: Flagged

Thank You for letting me share my comments about this bylaw. I live directly across the street from Magaffin Ball Park and think it is just a real asset to live here. The only concern that I would like to bring to your attention is loud music is being play prior to the game, sometimes hours before the start ,and it is very unpleasant to tolerate, you cannot even stay outdoors because of the volume and you can still hear it in the house I would really like the bylaw to address this problem.

Thanks you for asking for our input.

Marilyn Nadeau
406 Montreal Street

Sent from [Mail](#) for Windows 10

From: Stephan & Darlene Hiller
Sent: Tuesday, November 08, 2016 5:46 PM
To: McLean,Greg
Subject: Noise Bylaw

Follow Up Flag: Follow Up
Due By: Tuesday, November 08, 2016 7:08 PM
Flag Status: Flagged

Hello Mr. McLean,

A few weeks ago we received a Public Consultation notice with regards to the city reviewing the Noise Bylaw and its recommendation of changes to how noise from sports fields is regulated. As a homeowner in the vicinity of Bayridge Secondary School and Bayridge Park's sports fields, I would like to offer my input.

Quite often during the spring, summer and autumn Bayridge Secondary School has publicized track, football, and soccer games. These games usually take place early on a Saturday or a Sunday morning and they are always accompanied by loud sirens, loudspeakers and cheering or jeering at loud volumes from people attending the games. It can get so bad at times that you can hear it through closed windows. The school and subsequent sports field are on the other side of Bayridge Public School which is four doors from my home.

Bayridge Public School also creates similar issues near the end of the school year when they have loudspeakers adjacent to Bayridge Park and are playing music and a DJ is speaking through the system as well. This usually takes place mid-afternoon and the music is usually cranked to quite a high volume.

Bayridge Park has about 3 baseball diamonds and oddly enough the biggest one is usually the quietest one with just the occasional clapping and cheering from the bleachers, however the diamond closest to the intermediate side of the school is usually the loudest from the coaches and spectators raising their voices quite high and screaming from the unsupervised children of the spectators near the swing set in the park.

The soccer field at the park is very busy and loud during the games with the spectators and coaches often screaming at the top of their lungs. Even during Sunday morning practices in the soccer field the coaches are screaming at the players.

Thank you for giving me the opportunity to voice my concerns and I hope it helps.

Darlene Hiller
hillerkingston@cogeco.ca

From: Henrik Wevers
Sent: Tuesday, November 08, 2016 8:10 PM
To: Allen, Richard; McLean, Greg
Cc: Robert Wolfe; Jacalyn M Duffin
Subject: FW: review of the noise by-law

Follow Up Flag: Follow up
Flag Status: Flagged

We fully support this request for signage, we live about 200 meters from this boat ramp which is not an official city maintained ramp, but rather a historic remnant of the once "forced road" that is called the Aragon Road. Please see: "This blog aims at collecting and preserving the history of the Aragon Road, an early settler's "forced road" that borders on Colonel By Lake, part of the Rideau Canal, just north of Kingston Mills. It is part of the community of Glenburnie, now within the administration of the City of Kingston, Ontario." At: <https://aragonroadhistory.wordpress.com/about/>

Thank you.

Ineke and Henk Wevers, 477 Aragon Road, Glenburnie, ON. K0H 1S0

From: Robert Wolfe
Sent: November-08-16 4:48 PM
To:
Cc: Allen, Richard ; Jacalyn M Duffin ; Henrik Wevers
Subject: review of the noise by-law

Dear Mr McLean

The boat landing on Aragon Road is a favoured place for people with very loud recreational machines to get access to Colonel By Lake. This summer we suffered a few minutes of adolescent jet ski behaviour that was so loud that we could not converse while sitting beside each other on the dock. This activity was repeated, and so we called police. In winter we have large groups who like to race dirt bikes in circles on the ice. When they are too close to shore, the noise inside the house is disturbing, and it even rattles our windows. One year we called the police, who warned the group that people in nearby houses should not be able to hear them.

Could the by-law be clarified to help police see more clearly that this kind of activity is an offence?

Could the by-law create a provision to allow the city to post signs at such locations warning users that excessive noise is prohibited?

thank you

Robert Wolfe
384 Aragon Road
Glenburnie, ON

KOH 1S0
(613) 545-3427 cell (613) 583-4959

From: MGventer/M Birmingham
Sent: Tuesday, November 08, 2016 8:22 PM
To: McLean,Greg
Subject: Noise Bylaw re: Sports fields

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Greg

Thanks for your guidance last night.

I think it was a useful meeting in that there may have been some meeting of minds. Also, it is valuable to have issues aired when people think their input is accepted with respect as happened last night.

I have been thinking further about how to define the City owned sports fields that need some protection from extended noise.

I talked to my wife about the discussion. It seems to me that she agreed that amplification is the greatest concern. Whistles will be more intermittent as some people at the meeting asserted. Crowd noise and players shouting to one another directly related to the sports activity may be something with which we have to live. So I would like to concentrate on the issue of amplification.

Supporters of the staff proposed bylaw provisions seemed to explain that amplification on grass fields is not required most days. They probably would be comfortable with some limits on amplification frequency on such fields.

My concern is with fields that have residences abutting the fields. And even in such cases, adequate buffering of the homes from the field might be good enough. I suggest that staff likely have the knowledge to define what adequate buffering means. Your qualitative standards may be satisfactory in that regard. I am not in a position to contribute to that aspect and defer to you. (Because of cost this would only be likely with fields experiencing heavy use.)

Bottom line - Defining the City sports fields that should have more restricted amplification might be as follows: Sports fields with residences adjacent to the sports field is a sports field with four or more homes whose property lines abut the sports field. Such fields are excluded from this category if the homes are protected by physical means from intrusive levels of noise.

Please note that some neighbourhoods with sports fields directly across the street might wish to be included. My main concern in Kingscourt is the situation I describe (Fourth Avenue Park, Max Jackson Park and the new park to be constructed west of the new Central Kingston Secondary School.) If people in the situation of living across the street from sports fields have similar concerns they should present that view.

Re: frequency and times of amplification.

In the case of sports fields with residences adjacent to them, amplification at approved events will be restricted to three days per week and no more than twenty one hours per week. The level of sound amplification permitted will be the same as defined for other sports fields.

I hope this compromise is helpful. Please note that I am not speaking for an association or for people living

adjacent to the sports fields. I have taken no step to evaluate the acceptability of these suggestions to others NOR whether they have concerns.

However, Greg, I have been involved in municipal issues for many, many years. I have too often observed that people do not become involved in policy decisions during the discussion stage, but become aroused when a problem becomes imposing. Then they complain about the policy. This is true even when someone tries to stir their involvement at the policy planning stage. It is better for those of us who are experienced to foresee and short circuit such occurrences. I also have found that balance and respect and compromise can lead to better outcomes when dealing with fellow residents. I hope this input is considered accordingly.

Thanks once again

Matthew Gventer

From: Pincivero, Erin
Sent: Wednesday, November 09, 2016 3:30 PM
To: McLean,Greg
Subject: Support for changes to the noise by law for sports field

Hello

I fully support the exemption of the noise by laws for all sports field. In particular:

The changes, if passed, would result in a consistent field use conditions across all outdoor sport fields and would increase time available for programs:

- *Allowing the use of game whistles. game-related PA announcements and the national anthem*
- *Allowing “yelling, shouting, hooting, whistling or singing during organized sport activities” to occur in residential areas from 7:00am (8:00am on Sunday) to 10:30pm.*
- *Clarifying definitions.*

Erin Pincivero
Principal
Napane District Secondary School

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claimed and not waived. If you have received this message in error, please notify me immediately and delete or destroy it without further distribution. Thank you for your assistance.

From: Highet, Heather
Sent: Wednesday, November 09, 2016 4:20 PM
To: McLean,Greg
Subject: Re noise bylaw

Hi Greg,

I am in full agreement with the proposed changes to the noise bylaw. I believe that they lead to equity between non-municipal sports fields with city-owned sports fields. I also like the definition of a sports field as distinct and separate from other residential property. I think that the time allocations are also fair.

I understand that the changes, if passed, would result in a consistent field use conditions across all outdoor sport fields and would increase time available for programs:

- Allowing the use of game whistles. game-related PA announcements and the national anthem
- Allowing “yelling, shouting, hooting, whistling or singing during organized sport activities” to occur in residential areas from 7:00am (8:00am on Sunday) to 10:30pm.
- Clarifying definitions.

Thank you for your work on this.

Heather Highet
Principal, Bayridge Secondary School

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From: Don B. Rogers
Sent: Thursday, November 10, 2016 9:45 AM
To: McLean,Greg
Subject: Comment re Noise Bylaw Proposals

To members of the Administrative Policies Committee:

There should be NO special category for sports fields with special as-of-right noise rights. Noise is noise, whether created by sports events or not. Noise is noise and is disturbing to neighbours whether created by sports or not.

The present system of temporary noise bylaw exemptions should continue, rather than creating an as-of-right sports field category.

For ongoing sports locations, exemptions should be granted for no more than one year at a time. Renewal is not automatic. Re-application for exemption required each year. Knowing that a yearly application for exemption is required (with opportunity for public input) acts as a deterrent on the applicant for noise excesses, or permitting users renting a sports field to create noise excesses. It encourages self-regulation and moderation of noise, and ongoing sensitivity to neighbourhood concerns. An application fee should be levied to cover the city's cost of processing these exemption applications.

The proposed creation of a sports field category has the potential to condemn neighbouring properties to almost constant disturbing noise, all year, all hours except the dead of night, especially when the facility owner makes money by renting that facility with great frequency to outside groups

There is a long-established common law right of property owners to quiet enjoyment of their property. Please respect that right.

On a personal note, I can advise the Committee that when my wife and I were house-hunting last year, we considered a lovely home in the Sir John A. Macdonald/Johnson St area, but decided not to purchase it for fear of unbearable, ongoing noise from the Queen's sports fields. If other house hunters share our concerns, it follows that the property values of homes in that area are diminished by the noise nuisance, through no fault of the property owner.

In summary, NO special category for sports fields in the noise by-law.
Thank you

Don B. Rogers

This email has been checked for viruses by Avast antivirus software.

From: Eric Carstens
Sent: Thursday, November 10, 2016 10:23 AM
To: McLean,Greg
Cc: sdakingston@gmail.com
Subject: Noise bylaw changes

Dear Mr Mclean

I attended the open house this week on the house bylaw proposal, but could not find any of the presented documentation on line.

After viewing the maps that were posted on the walls at the meeting, I could not make out the details of separation between "residential use" and "other use" on the area of Ontario St. between Clarence St and West St. I would have thought that this area would be designated as residential because of all the apartment buildings and condominiums located in this area. I understand that the noise bylaw treats "residential use" and "other use" differently so this is an important point for people (residents as in residential) who live in this area.

Eric Carstens
Unit 305
165 Ontario St.
Kingston, ON K7L 2Y6
CANADA

From: Denita Arthurs
Sent: Thursday, November 10, 2016 12:36 PM
To: McLean,Greg
Cc: Annette Phillips; Wanda Williams; Chris Arnold
Subject: Feedback on Noise by-law recommendations

Follow Up Flag: Follow Up
Due By: Thursday, November 10, 2016 1:14 PM
Flag Status: Flagged

Hi Greg,

Thanks to you and everyone at the City for your work in preparing the proposed changes to the Noise By-Law. St. Lawrence College has been pleased to be part of the consultation process, and we commend the City on a fair and well-balanced report that considers a wide diversity of stakeholders.

Back in December 2015, St. Lawrence and Queen’s jointly submitted a recommendation that the City of Kingston align the by-laws that impact community-owned sports fields with the operating policies that govern the use of municipally-owned sports fields. The current set of regulations and by-laws do not maximize the available field time in our community to support the sport, recreation, health, and wellness needs of our citizens, when both the need and demand for physical activity has never been greater. The inequitable application of regulations that govern the use of specific playing fields also affects Kingston’s ability to attract sports tourism opportunities due to the constrained schedule, lack of predictability, and lack of flexibility.

St. Lawrence College supports the suggested recommendations to the Noise By-Law as it relates to sports fields. As a community, we want to make efforts to make physical activity convenient and to ensure participation opportunities are available where and when people are able to take part. St. Lawrence College is committed to supporting access to sports and recreation facilities for the health and wellness of our students, as well as community members. The links between physical activity, mental health, emotional wellbeing, and successful academic performance are well-documented. The recommended changes to the by-law support this objective and are consistent with the principles behind Kingston’s Active Living Charter. The revisions also provide the necessary safety requirements for players and spectators alike.

Many community groups use the St. Lawrence sports fields, and these groups have told us why the proposed noise by-law changes are needed:

- “The inconsistency in field access across the city makes it difficult to schedule programming, manage client communications, and ensure field use compliance.”
 - *Kingston Sport & Social Club (Matt Linton, Sport Manager)*
- “The current noise by-law does not provide the same level of opportunity and access to our children as they do in other cities across Ontario and Canada.”
 - *Kingston Clippers Soccer (Chris Eveleigh, Technical Director)*
- “Amplified sound keeps our participants informed and aware, allowing us to create an exciting & safe event for our Special Olympics athletes.”
 - *motionball Kingston (Jennifer Gilmour, Event Director)*
- “The current by-law results in the loss of as much as 60 games each season, which hinders our ability to provide playing time for our members.”
 - *Kingston Women’s Soccer Club (Rachel Brace, President)*

Exhibit C

St. Lawrence College has consistently met or exceeded the requirements of the bylaw and our exemptions. We have taken additional steps in our outreach to user groups about their responsibilities on our fields. We actively engage with our neighbours, checking in before and after events and responding to concerns. Together we have achieved a balance that meets the needs of our programs while respecting our neighbors and our community.

The proposed Noise By-Law changes address our concerns and provide the appropriate framework for enhancing the health and wellness of our community. We are committed to working closely with residents and groups across the City to enhance Kingston's quality of life and to be an active partner in meeting the City's Active Living Charter and Parks and Recreation Master Plan recommendations. St. Lawrence College thanks the City of Kingston for including us in the public consultation process, and we look forward to continued involvement as these changes are considered.

Denita Arthurs

Manager, Athletics and Student Life

St. Lawrence College
Brockville | Cornwall | Kingston

www.stlawrencecollege.ca

www.slathletics.ca



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From: MGventer/M Birmingham
Sent: Thursday, November 10, 2016 1:04 PM
To: McLean,Greg
Subject: FURTHER TO Noise Bylaw re: Sports fields

Importance: High

Follow Up Flag: Follow Up
Due By: Thursday, November 10, 2016 1:17 PM
Flag Status: Flagged

Hello Greg, once again.

I realized that I may not have made it clear that I would like the reference to Sports Fields with adjacent residential properties to refer only to Municipally owned sports fields. This would avoid the more contentious Queen's University sports fields. I realize that this differentiation between public and private held fields is the kind of disparity you were trying to avoid. I also thought of using the idea of *principal* and *minor* sports fields. During the discussions, people differentiated between the major fields heavily used and the less-well maintained grass fields. Of course, this creates the problem of fields that are rebuilt or upgraded or change in their use pattern. On the other hand, isn't it reasonable that a field that is heavily used and highly valued have necessary funds spent on it to accommodate that usage without impinging on neighbouring homes? In any case, differentiating between class of sports field would help greatly even if it is not perfect. Then you have the problem of defining *principal* and *minor*. Perhaps we could use the criterion - pattern of historical usage - has been heavily used in past and has not been heavily used in the past. The bylaw would then possibly require that upgrading of sports fields to being heavily used requires mitigation of noise intrusion into neighbouring residences. This is only fair, in my mind, since the existing life situation of home owners is being changed.

One other point. I have been thinking about homes being one or two family residences or townhouses versus multi residential units. I think we should make it clear that the abutting homes that would be of concern would be the former, not multi-unit residences.

I intended this to be a short additional comment. But it has expanded as I realized the challenges for you in what I was suggesting.

Matthew

Hi Greg

Thanks for your guidance last night.

I think it was a useful meeting in that there may have been some meeting of minds. Also, it is valuable to have issues aired when people think their input is accepted with respect as happened last night.

I have been thinking further about how to define the City owned sports fields that need some protection from extended noise.

I talked to my wife about the discussion. It seems to me that she agreed that amplification is the greatest concern. Whistles will be more intermittent as some people at the meeting asserted. Crowd noise and players shouting to one another directly related to the sports activity may be something with which we have to live. So I would like to concentrate on the issue of amplification.

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My concern is with fields that have residences abutting the fields. And even in such cases, adequate buffering of the homes from the field might be good enough. I suggest that staff likely have the knowledge to define what adequate buffering means. Your qualitative standards may be satisfactory in that regard. I am not in a position to contribute to that aspect and defer to you. (Because of cost this would only be likely with fields experiencing heavy use.)

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Re: frequency and times of amplification.

In the case of sports fields with residences adjacent to them, amplification at approved events will be restricted to three days per week and no more than twenty one hours per week. The level of sound amplification permitted will be the same as defined for other sports fields.

I hope this compromise is helpful. Please note that I am not speaking for an association or for people living adjacent to the sports fields. I have taken no step to evaluate the acceptability of these suggestions to others NOR whether they have concerns.

However, Greg, I have been involved in municipal issues for many, many years. I have too often observed that people do not become involved in policy decisions during the discussion stage, but become aroused when a problem becomes imposing. Then they complain about the policy. This is true even when someone tries to stir their involvement at the policy planning stage. It is better for those of us who are experienced to foresee and short circuit such occurrences. I also have found that balance and respect and compromise can lead to better outcomes when dealing with fellow residents. I hope this input is considered accordingly.

Thanks once again

Matthew Gventer

From: Adam Davidson-Harden
Sent: Thursday, November 10, 2016 1:10 PM
To: McLean,Greg
Subject: please, no changes to noise bylaw, do not permit loud events at Richardson outside

Greetings Greg,

I am from a neighbourhood near the corner of Sir John A MacDonald blvd and Johnson street, and live on Oakridge Ave. 2 years go, many of my neighbours and I came together to oppose a request from Queen's to be exempted from noise bylaws. As with the present proposals, Queen's wishes to conduct loud events at their new outdoor facilities at Richardson Stadium on an increasingly regular basis, and there is even an application for a motocross event to happen that would spread well into the evening hours.

As with our previous appearance at Council's deliberations on this matter, I stand with my neighbours to request that changes to the noise bylaw do not go ahead, and that Queen's not be permitted to be exempt from noise bylaws, including through rezoning applications (zoning bylaw changes for Queen's).

If Queen's does not undertake serious measures to mitigate noise, then our neighbourhood stands to be negatively affected by an increase in loud, noisy events, whether sports-related or otherwise. As a parent and Kingstonian, I wouldn't wish noise bylaw violations of this type on any neighbourhood in the city.

Sincerely,
Adam Davidson-Harden
82 Oakridge Ave
Kingston

From: Don Chipley
Sent: Thursday, November 10, 2016 1:24 PM
To: McLean,Greg
Subject: Noise bylaw meeting Monday nov7,2016

Sir,
My understanding from the meeting is that Queen's has noise exemption on the fields at west campus and all organized sports have exemptions on city fields but unorganized activities, even sports, are subject to the noise bylaw. You suggested that despite Queen's having a noise bylaw exemption, complaints would be received, recorded and checked out by city police or bylaw officers. In lodging complaints to the city police regarding noise from the sports fields south of Richardson Stadium in the two years prior to this past summer, I find this to be incorrect. At that time Richardson Stadium and the turf field north of Richardson Stadium had noise exemptions, but not those fields south of Richardson Stadium. My complaints to City police regarding noise from the field south of Richardson Stadium were met with the reply that Queen's had a noise exemption so nothing could be done. Complaints to Queen's hotline resulted in replies that the noise was not too loud, but only once, very early on, was there a visit to out property. It would be nice if everyone, including city police, were informed of where noise exemptions applied and that these areas are not allowed unlimited noise. As such, we have no recourse and must endure any noise from these fields.
Additionally, you spoke of the compromise that was reached regarding the noise exemption. Typically, a compromise is between two different ideas or opinions. I can understand one view as no or much less noise, but I fail to understand what the other end of the spectrum is that resulted in a "compromise" of 7:00 am to 10:30 pm. Please advise me.

Thank you,
Don Chipley
265 Yonge Street

From: Thomas W. Moynihan
Sent: Thursday, November 10, 2016 1:54 PM
To: McLean,Greg
Subject: Proposed changes to Noise By-Law 2004-52

November 10, 2016

RE: Proposed changes to Noise By-Law 2004-52

Dear Mr. McLean,

I oppose adding the activity “Yelling, shouting, hooting, whistling or singing during organized sporting activities on a sports field” to Schedule B Noise Prohibitions by Time and Place and prohibit such noise in Residential Areas from 2230 hours (10:30 pm) of one day to 0700 hours of the next day (0800 on Sundays), and in Other Areas from 2300 hours (11:00 pm) of one day to 0700 hours of the next day (0800 on Sundays).

This change will greatly increase the incidence and impact of noise trespass on residents living in the proximity of highly used sports fields, especially those with artificial surfaces and illumination, while leaving them with no means of redress for unreasonable intrusion into their private properties and the impact which such noise trespass has on their ability to maintain a good quality of life for essentially all waking hours of every day (effectively what 7 am to 10:30 pm represents). It is my opinion that 9 pm should remain as the start time of the prohibition period.

For me, as a homeowner living in close proximity to Queen's West Campus, the issue is one of excessive noise trespass rather than whether or not people are playing sports and at what time of day. I would also say that not all sports games generate noise at levels which are intrusive - but some definitely do, and when those games are played in residential neighbourhoods they should be finished before 9 pm. Is that not reasonable and fair? I heard many sports enthusiast, and indeed a City staff member, speaking of "compromise" and to that I say the existing 9 pm time is in fact a longstanding compromise. Residents living in close proximity to sports fields have and will accept the intrusion of noise trespass from sports as long as it is reasonable, doesn't keep their kids awake at night and doesn't invade people's ability to relax in the late evening. I fail to see the "compromise" when being asked to accept any amount of noise until 10:30 pm just because it comes from a sports field. The sports community should be prepared to participate in the "compromise" by scheduling particularly noisy activities at appropriate times, or finding a different location for that particular activity. Once again, all sports and groups do not generate the same amount of noise trespass.

From the Staff Report and through attending the presentation of Monday, November 7, 2016, I understand Staff to be making this recommendation based upon: 1) aligning the prohibition time frame to match that currently imposed by way of the City's Sports Field Allocation Policy and which is applicable to all of the City's sports fields, and 2) encompassing the terms, in so far as possible, of currently applicable noise by-law exemptions around noise generated by sports field use into the overarching noise control bylaw.

On the first point (1), you must consider the undeniable fact that all use of City fields is done so under the control and regulation of the City by way of its Sports Field Allocation Policy. The City can, and does, intervene to change or move usage when neighbouring properties are impacted activity on their sports facilities (the recent closing of pickleball courts in Henderson park is one example). In contrast, private sports facilities are privately managed and the only control with which the City may discharge their responsibility to regulate

the impact of noise on residents is through the noise control bylaw. The proposed change will make it impossible for the City to discharge their responsibility, a duty ceded to them by the Ontario Government, to regulate noise coming from designated sports fields and impacting neighbouring residents. The language of the bylaw will permit all noise which meets the test of "Yelling, shouting, hooting, whistling or singing during organized sporting activities on a sports field", regardless of the intensity, frequency, loudness and impact of neighbours to continue unchecked between the hours of 7 am and 10:30 pm. This is an unreasonable burden for any residential area.

If the City is to allow “Yelling, shouting, hooting, whistling or singing during organized sporting activities on a sports field” after 9 pm based on a justification of aligning hours of use with those of City facilities, then it must do so under the same terms of use which would require the City to be involved in the ongoing supervision and control of late night sports field use. This would require either direct City involvement or maintaining actionable terms in the noise control by-law to maintain equivalent protection.

On the second point (2), the proposed modifications to the noise bylaw are much more permissive of noise trespass than the terms of the existing temporary noise exemptions without requiring any additional mitigation, reporting and actionable complaints process. The existing exemption for sports field noise at West Campus does not extend past 9 pm. It does not permit amplified sound use past 9 pm, and places limits on the extent to which amplified sound may be used prior to 9 pm.

I urge the City to revisit these proposed changes to the noise control by-law. Permanently moving the prohibition on yelling, shouting, etc. on sports fields from 9 pm to 10:30 pm without also enshrining provisions for effectively evaluating, or measuring, and dealing with excessive noise trespass on neighbours is misguided. The result would not be at all commensurate with the regulatory ability which the City has available to manage noise trespass problems originating from their own facilities. It is not “leveling the playing field” as I have heard suggested many times, as that would require all conditions and terms of use be equal as well – including obligations to manage noise trespass. It will upset the balance of stable residential neighbourhoods where for many years “reasonable conduct” has meant one could expect reduced noise in evenings and has been supported by a 9 pm prohibition time in the noise control by-law.

I suggest a thorough examination of the true circumstances and conditions under which the City successfully operates its facilities and manages noise problems should be completed before recommending changes to the by-law such as those currently proposed. This information should be vital in truly supporting sound policy decisions. Intuitively, one would expect noise trespass problems to be proportional to intensity of use, noise profile of the sports being played and proximity of neighbouring properties. Given adequate demand, the intensity of use will be tied to the number of fields available at a location and the characteristics of those fields which define their capacity to be used intensively (i.e. artificial turf and lights). I believe it is clear that high intensity sports field use occurring in close proximity to residents is a root cause of current conflicts and these conflicts will not be resolved by subjugation. The reality is that sports field use has changed at Queen’s West Campus in both intensity and location. There have also been more moderate changes at St. Lawrence College and perhaps at other locations city wide. For proper balance to be achieved I would expect carefully crafted mitigation, management and effective regulation be designed in light of the salient facts once they are analyzed and understood. However, to my knowledge, such an analysis has yet to be publicly presented in support of these recommendations.

Sincerely,

Thomas Moynihan
52 Oakridge Ave.

From: Alan Harrison
Sent: Thursday, November 10, 2016 2:45 PM
To: McLean,Greg
Subject: Noise from sports fields

Dear Mr McLean:

I am responding to the invitation to send comments re noise from sports fields.

My wife and I live on Fox Run Place, close to Woodbine Park. The most common noise we hear is amplified sound when the BMX track is in use. Whatever the noise our view is the same: it is a delight to know that people are having a good time and engaged in activities that promote their health and fitness. As for whistles, we were surprised you were even asking because they are surely an essential part of many sports. We encourage you to do everything you can to support and promote a healthy lifestyle for everyone and especially young people.

Thank you.

Alan Harrison

From: sharon kryzanowski
Sent: Thursday, November 10, 2016 3:10 PM
To: McLean,Greg
Subject: Noise from Sports Fields

I have been hearing noise from a sports field immediately around corner from my house for over 40 years; thus, I feel expertly qualified to address this issue.

The "noise" is a beautiful sound! The whistles, cheers and voices are the sounds of kids, teens or adults being physically active and engaging in a healthy lifestyle. Never have I been bothered by these sounds which can be heard from my front verandah. The sounds are not 24/7/365 days a year! They are a few times weekly for a few hours a few months of the year. Big deal!
Even sounds coming from Richardson Stadium in the fall would be for a short time.

Perhaps residents complaining, should not have chosen to live near a sports field if they don't like the sound of whistles and cheering. Or perhaps they might want to stroll over to the field and take in some of the activity. They might enjoy watching a game!

City of Kingston, please stop spending time and \$\$\$ on this non-issue!

Yours truly,
Sharon Kryzanowski
305 Olympus Avenue
Kingston

From: Margaret-Anne Wojcik
Sent: Thursday, November 10, 2016 3:36 PM
To: McLean,Greg
Subject: Proposed changes to the Noise by-law for Sports Fields

Good afternoon Mr. McLean,

My name is Margaret-Anne Wojcik, and I live at 16 Oakridge Avenue, along with my husband Bob. We have lived here for more than 30 years.

When we moved into this neighbourhood Queens West Campus and Richardson Stadium were relatively quiet. There was the odd football game, or track & field event, but on the whole the noise was not noticeable.

I am impressed with the new West Campus sports field, and the improvements to Richardson Stadium. But what does not impress me is the **NOISE!!!** The whistles, yelling, sometimes horns and music, is very disturbing to ones' peace of mind.

I have no problem with the vehicular traffic noise from Sir John A. Macdonald Blvd. And the ambulances and fire truck noises are not bothersome, as they are intermittent.

I don't mind **some** noise.

But I am opposed to the potential for noise from 8:00 a.m to 10:30 p.m., for seven days a week.

People should be able to have peace and quiet, and respite from busy lives, in their own homes, especially in the evenings. And there are young families and elderly people, and people with health issues (myself included) in our neighbourhood who would like to go to bed at a decent hour, without noise being a constant irritant.

And frankly, I am disappointed at the timing of the announcement for Queens request for an additional noise exemption for the Nitro Circus Live Motocross event at Richardson Stadium next summer. This was conveniently announced the day after the noise by-law meeting, therefore the opportunity to discuss was not available. I am **strongly** opposed to this exemption.

Thank you for hearing my views on these matters. I would hope that the desire for peace and respite in our homes, for all of us who live near sports fields, will be strongly considered before this by-law is completed.

Thanks again,
Margaret-Anne Wojcik
16 Oakridge Avenue

From: Rosemary H
Sent: Thursday, November 10, 2016 3:39 PM
To: McLean,Greg
Subject: 10:30 pm is too late

Dear Greg,

I attended the meeting on Monday. I remember you saying that Kingston noise bylaws are more restrictive than some other cities. That is not relevant because I pay property taxes here in Kingston and I voted in the Kingston municipal election for someone who promised to do his best to stop Queen's from being allowed to make noise too late at night. 10:30 pm is too late to be making noise close to a residential area.

Sincerely from Rosemary Hill
60 Oakridge Ave, Kingston, Ontario
K7L 4S9

From: Kathryn Hutchison
Sent: Thursday, November 10, 2016 3:49 PM
To: McLean,Greg
Subject: Proposed Noise Bylaws

Dear Mr McLean;

Having just heard about the proposed noise bylaw changes I felt that I should comment that, while I can see how appealing these changes might be from an administrative point of view, I feel that they could be very detrimental to the health of the people living close to these sites. Unfortunately, noise pollution is a serious matter and can significantly impact people's mental health - that's why we have had noise bylaws to protect us. I would strongly recommend that these proposed changes not be accepted – particularly Sunday to Thursday nights – when most adults and children need to get their sleep so that they can be awake for the following day at work and school. When setting an evening time limit, you need to bear in mind that many people cannot simply drop off to sleep when the outside noise abates, they need some time to calm down both psychologically and physiologically.

I am fortunate that while we can hear the noise from Richardson stadium - we can usually eliminate it by closing a window - other people who are closer are not so fortunate.

Yours sincerely,

Kathryn Hutchison
38 Pembroke St
Kingston, ON
K7L 4N4

From: Christian Franz H
Sent: Thursday, November 10, 2016 8:13 PM
To: McLean,Greg
Cc: Christian Hoefler
Subject: Noise By-law Review - City of Kingston - Use of Playing Fields

Follow Up Flag: Follow Up
Due By: Friday, November 11, 2016 7:55 AM
Flag Status: Flagged

Hello,

I am writing to provide feedback in relation to the City of Kingston's noise by-law review. ([proposed changes to the Noise Bylaw](#))

As a new Kingstonian (moved to Kingston from Ottawa in August 2014), I have come to love this beautiful city! When I was first introduced to the noise by-law, I was a little setback. Coming from the larger city of Ottawa, this was a new set of regulations that I needed to adjust to as an active athlete and coach. I noticed that many popular community and competitive sports were restricted from maximizing the beautiful sport complexes and fields that Kingston has to offer. The general vibe from many of my fellow sports enthusiasts was a negative one, as compressed training and game times were enforced.

I am extremely pleased to see many of the points mentioned in the noise by-law review as a positive impact that I personally feel will increase a healthier lifestyle among all Kingstonians, especially the one that states "Allowing "yelling, shouting, hooting, whistling or singing during organized sport activities" to occur in residential areas from 7:00am (8:00am on Sunday) to 10:30pm vs. the current 9:00pm"

I genuinely feel that many of the points brought up in the noise by-law review will create positive outcomes, a more productive community, and a solid pathway for all our residents to enjoy an active and healthy lifestyle!

All the best!

Christian Hoefler

From: Toby & Teresa
Sent: Saturday, November 12, 2016 2:10 PM
To: McLean,Greg
Subject: Noise from Sports Fields

Follow Up Flag: Follow Up
Due By: Saturday, November 12, 2016 9:16 PM
Flag Status: Flagged

Hello Greg,

We hope we are not too late to share our thoughts about Noise Bylaw. As a family, we are thrilled to hear the sounds from our nearby sports field (Woodbine park). Knowing that children, youth and adults are out staying fit and enjoying competitive sports is, in our opinion, a sign of a healthy community. The current usage of fields and times are fine with us! We hope the city does not reduce access to the fields for sports enthusiasts. Both of our children, now young adults, have enjoyed years of soccer and football and we are thankful that they had the opportunity to enjoy the Kingston fields. As they became teenagers their games were later at night so that younger players could access the fields at a reasonable time.

Our son just completed five years as a member of the Queen's Football Team. We are incensed when we hear that neighbours are complaining about the sounds from Richardson Stadium. Honestly, what are people thinking? Sports events, concerts and other outdoor activities bring so much to the lives of those who enjoy them, either as participants or spectators. When a minority of people become out-of-hand at these events then we think they should be fined as they are out of control and are causing issues for those who are respectful and controlled.

We hope the City maintains an open and reasonable access to our sports fields for all!

Thank you for the opportunity to provide our input!

Teresa and Toby Dodwell
1086 Wise Street

From: Leslie Dal Cin
Sent: Saturday, November 12, 2016 5:13 PM
To: McLean,Greg
Cc: Leslie Dal Cin; Craig Leroux; Kristyn Wallace
Subject: Noise By-Law

Follow Up Flag: Follow Up
Due By: Saturday, November 12, 2016 9:17 PM
Flag Status: Flagged

Dear Greg,

Thank you very much for the opportunity for Queen's to once again participate in the noise bylaw consultation process, including by attending the open house on Dec. 7. I wanted to confirm that the university stands by its joint submission with St. Lawrence College, and hope that the position articulated in that submission will continued to be reflected in the report to the Administrative Policies Committee, along with the other input that you have had from other stakeholders.

As stated in our original submission, as a community, we would all like to make efforts to ensure opportunities for physical activity are convenient and ensure participation when and where people are able to take part, in a manner that is consistent with the principles underlying the city's Active Living Charter. The links between physical activity, mental health, emotional wellbeing, and successful academic performance are well-documented. We at Queen's encourage student participation in physical activity and also work to ensure our fields are available for use by community groups.

Both Queen's University and St. Lawrence College have exemptions to the current noise by-law. Queen's has consistently met or exceeded the conditions of its exemption and has taken additional steps in its outreach to user groups about their responsibilities on our fields. Queen's has also communicated and collaborated with our neighbours, responding to concerns and striving for an acceptable balance that meets the needs of our programs while respecting our neighbours and our community.

Queen's University is pleased with the report that was presented to the Administrative Policies Committee in September, particularly with regard to the balance that it presents in capturing all stakeholder viewpoints and in establishing one consistent standard for the use of all fields. I am confident that this review will result in a by-law that treats all sports fields across the City of Kingston equally, enabling Queen's to continue to support access to its fields by local community and school groups.

I would like to extend my sincere thanks for the work you and the City of Kingston have been engaged in as a part of the noise by-law review and consultations. Thank you for your continued engagement with Queen's and St. Lawrence College throughout the review and consultation process. We look forward to reviewing the final report and adding to the discussion at the Administrative Policies Committee.

Sincerely, Leslie

Leslie Dal Cin
Executive Director, Athletics & Recreation
Queen's University

For assistance please contact my Executive Assistant Kirsty Milne:

B)

F)
Email)



For more information visit: www.gogaelsgo.com
Follow us on facebook at www.facebook.com/queensgaels
Follow us on twitter at www.twitter.com/queensgaels

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From: Monica Van Order
Sent: Wednesday, November 16, 2016 3:19 PM
To: McLean,Greg
Subject: Sport Fields Noise By-Law

Follow Up Flag: Follow Up
Due By: Wednesday, November 16, 2016 4:14 PM
Flag Status: Flagged

Hi Greg

Hope everything is well.

I am concerned that the City is proposing a change in noise by laws.

I prefer to have a peaceful evening at home.

Thanks Monica Van Order

DEAR GREG MCLEAN

Oct. 30 2016

THANK YOU FOR YOUR LETTER CONCERNING
THE PARK.

WE HAVE NO PROBLEM WITH THE NOISE.
THIS PROBLEM WOULD CONCERN THE
3 FAMILYS WITH YOUNG CHILDREN.

MY BIGGEST PROBLEM WOULD BE
ALL THE DUST COMING OFF THE
PARKING LOT AND SHOULDER OF
ROADWAY. SOME DRIVERS, DRIVE DOWN
THE SHOULDER MAKING CLOUDS OF
DUST.

THE CLOUDS OF DUST COVERS
EVERYTHING, HOUSES, CARS,
WINDOW SCREENS. LAWN FURNITURE.

THE CITY SPRAY THE PARKING LOT.
ONCE A YEAR, MAYBE THEY SHOULD
SPRAY TWICE A YEAR. EARLY SPRING.
again about August.

THANK YOU
Marilyn Beumo

399 Day's Road
Kingston, Ontario
K7M 3R5

Dear Mr McLean

Yes, I do live near a sports field but I do not hear any noise & no I'm not deaf. You can't play a sport without noise, except maybe cricket & tennis.

I would like to attend Portsmouth Harbour but with no car that is out. Taxi is expensive.

Good luck with your meeting
Yvonne A Rees-Davies.

Only a chain-link fence provides boundary for the Calvin Park sports field and our back yard.

Exhibit C

The sounds from the sports activities are not "noise" to us. They are the sounds of life. healthfully exuberant living.



→ young people engaged in
Ronald S. Afford

Public Consultation – Noise from Sports Fields

Louise Oxford.

Dear Resident,

Do you hear noise from a sports field? If so, how do you feel about it?

The City of Kingston is reviewing the *Noise Bylaw* and is recommending **changes to how noise from sports fields is regulated**. Now the City wants input from residents like you who live near a sports field.

Starting Wednesday, Oct. 19, you can see and comment on the suggested changes at www.CityofKingston.ca/GetInvolved.

Noise from sports fields can include:

- whistles;
- amplified sound; and
- loud voices of players and spectators.

SHARE YOUR COMMENTS

You can also offer your input by:

- Attending a Public Open House from 6:30 to 8 p.m. on Monday, Nov. 7 at Portsmouth Olympic Harbour, Press Lounge, 53 Yonge Street. (presentation at 6:30 p.m.) City staff will present the recommendations, answer questions and receive your input.
- Sending your written comments by 4:30 p.m. on Thursday, Nov. 10 to Greg McLean, licensing and enforcement to:
 - gmclean@cityofkingston.ca
 - 216 Ontario St., Kingston, ON K7L 2Z3.

All comments received will be included in a report considered at a future meeting of the administrative policies committee.

Banana's
Buccayne St. Exhibit C



City of Kingston

Public Consultation – Noise from Sports Fields

Dear Resident,

Do you hear noise from a sports field? If so, how do you feel about it?

The City of Kingston is reviewing the *Noise Bylaw* and is recommending **changes to how noise from sports fields is regulated**. Now the City wants input from residents like you who live near a sports field.

Starting Wednesday, Oct. 19, you can see and comment on the suggested changes at www.CityofKingston.ca/GetInvolved.

Noise from sports fields can include:

- whistles;
- amplified sound; and
- loud voices of players and spectators.

Do not start before 6 AM
and shut it down by
11:00 PM
Just enjoy the sound
and fun. KBB

SHARE YOUR COMMENTS

You can also offer your input by:

- Attending a Public Open House from 6:30 to 8 p.m. on Monday, Nov. 7 at Portsmouth Olympic Harbour, Press Lounge, 53 Yonge Street. (presentation at 6:30 p.m.) City staff will present the recommendations, answer questions and receive your input.
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 - o gmclean@cityofkingston.ca
 - o 216 Ontario St., Kingston, ON K7L 2Z3.

All comments received will be included in a report considered at a future meeting of the administrative policies committee.

From: Colette Steer
Sent: Wednesday, April 06, 2016 1:55 PM
To: McLean,Greg
Subject: City of Kingston Noise By-Law Revision

Follow Up Flag: Follow up
Flag Status: Flagged

To the Members of City Council

I am writing with regard to the Noise By-law revision and the request for feedback with regard to the proposed regulations for the use of sport fields.

I currently live adjacent to SLC college and prior to that lived in close proximity to the fields at Queen's University. It is/was common for us to hear play-related sounds emanating from the sport fields at both SLC and Queen's. We also hear sound from activities at Lake Ontario Park. We have enjoyed hearing the sounds of a vibrant community at play!

As a household we believe strongly in the following principles and as such we would like to offer our support to the proposed recommendations:

- opportunities for physical activity for all members of our community and the positive effects this has on personal health and wellness.
- the value of youngsters having access to and participating in organized sport – especially in these time of increasing sedentary lifestyles, obesity, type 2 diabetes.
- the benefits that are associated with bringing families and communities together in a positive way.

For these reasons, and many others we believe that proactive measures that increase opportunities for free-play and organized sport for all members of our community, while respecting the reasonableness of being a good neighbor, serves the public good. In our opinion the recommendations that provide one set of standards for the use of sport fields (both City Fields and the non-municipal fields) is both balanced and appropriate and we support the recommended changes.

Thank you for the opportunity to contribute feedback to this process and I trust that as Councillors you will consider all aspects of this matter in coming to a reasonable and balanced outcome.

Friday, April 8, 2016

52 Oakridge Ave.
Kingston, ON K7L 4S9

Dear Mr. McLean,

I am writing to you to oppose portions of the proposed changes to Noise By-Law 2004-52. Specifically, the sections under “Noise associated with organized sporting activities” identify noise prohibition times in residential areas which are much too short to assure those children, women and men living adjacent to sports fields have adequate periods of time where they will be protected from excessive noise. The proposal also completely fails to provide any mechanism for regulating the volume and duration of noise emanating from sports fields, whether it be from excessive whistling, yelling, shouting, hooting or the use of amplified public address announcements.

The proposal would permit unregulated levels of noise to be generated on sports fields in residential areas between the hours of 0700 hours and 2230 hours, daily including holidays. That is a total of 15.5 hours out of each 24 hour day. Children in neighbouring houses can look forward to the prospect of being disturbed from their sleep by amplified announcements penetrating into what should be their private sleeping spaces. City Staff must recognize that children in our community will normally be trying to sleep at least 2.5 hours prior to the newly proposed start of the noise prohibition time of 2230 hours – this is quite simply ill advised. Moreover, people require periods of peace and quiet in their lives in order to maintain a healthy balance in their lives – time outside of sleeping periods which are most typically available in evenings, weekends and holidays. It is a perfectly reasonable expectation of residents in the City of Kingston that they should not be expected to leave their domicile in order to relax and rest. Yet this proposal ignores this necessity of maintaining “liveable” neighbourhoods.

Since we, in the City of Kingston, make the effort to enact and then enforce by-laws, surely City Staff must acknowledge the implicit necessity of by-laws in ensuring the efficient and equitable sharing of communal resources in our civil society. The By-Law Enforcement page of the City of Kingston’s web site states:

“**Bylaw Enforcement** is responsible for the investigation and enforcement of all our municipal bylaws. Bylaw officers can be found out and about in the community. These Officers are responsible for monitoring and enforcing:

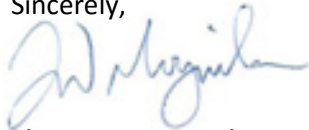
...

> [excessive noise](#) to ensure citizens' rights to a good quality of life.”

How does the City propose to “ensure citizens’ rights to a good quality of life” as stated without effective regulation of noise in residential areas adjacent to sports fields? This is a central question which I respectfully request you answer in full detail.

As you know, the City already has a defined process by which individuals or businesses may apply for noise exemptions. This process was used to craft a temporary noise exemption at Queen's University's outdoor sporting complex located at their West Campus location. There have now been two successive year long exemptions and application for this sporting season is now pending. The permanent changes proposed for the noise by-law are infinitely more permissive than the terms of the temporary noise by-law exemption. Most notably in terms of the requirement to cease excessive noise by 2100 hours (9 pm) and the limit placed on the number of games for which amplified sound is permitted. Queen's University is fully capable of operating their varsity Athletics program under those quite liberal terms. If the process for applying for a single, year long, temporary noise exemption is too onerous for the City to administer then there is something seriously wrong with the implementation of the process – not the necessity of the noise exemption application process. There is no possibility of public accountability without the due process of applying for noise exemptions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Moynihan', is written over the typed name.

Thomas W. Moynihan, M.Sc., P.Eng.
52 Oakridge Avenue
Kingston, ON K7L 4S9

From: Thomas W. Moynihan
Sent: Friday, April 08, 2016 3:56 PM
To: McLean,Greg
Cc: Stroud,Peter; Schell,Elizabeth
Subject: Comments on proposed changes to Noise By-Law 2004-52.
Attachments: McLean_2016-04-08.pdf

Dear Mr. McLean,

Thank you for speaking with me at length on Wednesday, April 6th, 2016 about the proposed changes to the Noise By-Law 2004-52.

I oppose making permanent changes to the City's noise control by-law which will circumvent the necessity of applying for noise exemptions for operating high-intensity outdoor sports fields located in our residential neighbourhoods outside the well established norms of our current noise control by-law. Please find attached a more detailed letter outlining my position.

Thank you very much for your consideration of this material.

Sincerely,
Thomas W. Moynihan
52 Oakridge Avenue

From: Susan Reid
Sent: Friday, April 08, 2016 3:58 PM
To: McLean,Greg
Subject: Comments re Proposed Noise By-Law changes.

Dear Mr. McLean,

I am strongly opposed to the changes proposed to the noise bylaws as described by the documentation presented on April 6th, and on the City of Kingston website.

<https://www.cityofkingston.ca/documents/10180/1234628/Noise+Bylaw+-+Proposed+changes.pdf/c746feca-e4bb-4c43-8f26-67e209ad8c94>

Noise is classified by Canadian legislation (MTO) and by the World Health Organization as environmental pollution because of serious known consequences for people's health. The source of loud disruptive noise is not pertinent, the fact of noise and volume is.

In particular the following should not be adopted:

- 1) Amplified announcements from organized sporting activities on fields "not" zoned residential.
- 2) Use of amplified sound system from 7am until 10:30 or 11pm.
- 3) Extension of these for all days, including all statutory holidays and weekend.

These changes would result in a noise exemption for Queen's West Campus property that far exceeds the impact of the current "temporary" ones granted by City council!

There net result will be that there is no actual "regulation" of the level of noise being emitted from those sites. This completely fails to provide people living near these locations with a minimally acceptable quality of life. There are sound reasons that amplified sound, shouting, excessive whistling are regulated in all municipalities and are generally considered treated as incompatible with residential areas.

There would be no oversight from the city or community on noise emanating from these sites. These changes would remove mechanisms of control of excessive control from the citizens.

Finally, these proposed changes would make areas adjacent to Queen's University and Saint Lawrence College sports fields into second or third class housing zones. It adds more negative pressure to stable neighbourhood communities already under extreme housing stress from Queen's huge increase in student numbers. This will further serve to hollow out the core of the City by eroding these stable residential areas.

There is no supporting explanation of the priorities served by these proposed changes around private sports fields. There is justification provided for the removal of noise protection that would still be provided to other citizens from identical excessive noise issues. How the noise is made isn't nearly as important as the resulting harm to peoples ability to have some respite in this homes.

Respectfully,

Susan A. Reid MSc. Mech. Eng., P.Eng.
Oakridge Ave.
Kingston, ON
K7L 4S9

Subject: FW: Comments regarding proposed changes to existing City noise-by law

From: Rysiek Pietka
Sent: Thursday, April 07, 2016 1:56 PM
To: McLean,Greg; Mayor of Kingston
Subject: Comments regarding proposed changes to existing City noise-by law

Dear Mr. McLean and the Noise Bylaw Review Committee, Mayor of Kingston

I am writing to you in strong opposition to the new noise bylaws and in hope that you seriously reconsider changing the proposed bylaws.

I live just across SLC sport field and will be adversely affected by the changes. I appeal to you to recognize noise as an environmental pollution; treat it as any other pollution and offer residents more protection from it. I am afraid that the new bylaw is going to do just the opposite.

Existing proposal of changing the noise bylaw, produced by city staff, is also a major departure from a long standing policy of promoting greener, healthier city, with more bicycle lanes and friendly parks. It seems to me that the city is promoting "noisy city" instead; yielding to the pressures of organisations like Queen's and St. Lawrence College, which are pursuing a commercial success at their neighbours' expense and at cost of our quality of life.

I support sport fields as places where friends meet and where children and parents have a great time. They are more than welcome in any neighbourhood. Please consider, however, that major sport events normally are held at the stadiums, with capacity for hundreds /thousands spectators and with amplified sound systems. As the sport fields belong to the residential neighbourhoods, the stadiums do not, as the ongoing conflict between residents and Richardson Stadium clearly shows.

Amplified sound at the sport field - as I experienced myself- is extremely disruptive and problematic. The worst offender is the lower frequency sound, equally produced by music and by sport voice announcements, which will travel through walls and closed windows. Doing a simple tasks or trying to watch TV, read a book, listen to the radio, or even to have a normal conversation inside proves difficult if not impossible. There is no escape from the noise. I did already experienced that, thanks to last year SLC noise by-law and noise by-law exemption violation.

Everyone deserves a quiet time, BBQ in our backyard and friends over for dinner, and not the event noise that damages our quality of life. The new bylaw proposal allows for a noise related interruption without any restrictions/ control mechanisms.

The fact that some events require and other do not require sound amplification is a very good indicator if the sport event belongs to the residential neighbourhood or to a specially designated stadium. I am strongly against the idea of having amplified sound to be allowed in residential neighbourhoods. I strongly believe that city residents and tax payers deserve and should expect more protection from noise polluters. The sound produced in non-residential zone travels to adjacent residential zone. All what is between by residential zone and SLC sport field is 30m of air.

St. Lawrence College plans to rent their sport field to other parties which are to host major sports events requiring presence of amplified sound. I was assured by SLC that their sport field is not going to be "another Richardson Stadium" and yet it seems that I was plainly deceived: two pads for additional 500 seats were just installed (adding to the already existing 300 seats) in their main sport field. The newly installed lighting systems assures that the noisy events can take place up to late at

Exhibit C

night. The idea of 800 spectators whistling, shouting and using PA system without any restrictions from early morning to late at night directly across my house is really frightening and in full disrespect to the needs of residential neighbours. I would suggest that persons who are responsible for the new noise bylaws move in directly across SLC sport field and see by themselves how disruptive the noise is.

I am extremely worried that the new bylaw will cause my neighbourhood to become the low income/ low home price area. Since the first noise bylaw exception which was granted to SLC two years ago, I live in constant fear that I will have to move out because of the noise pollution. Unfortunately, I cannot afford to move out nor I want to move out from my neighbourhood. I spent here over 10 years, taking care of my house and garden, forging friendships with the neighbours and contributing to the city development through my taxes. This proposal goes much farther than last granted exemption given to SLC. It basically means the residents will have no protection from the noise 7 days a week, from 7 am to 11pm. This is a truly scary vision.

It would be beneficial to create list of City addresses/ sport fields that would be affected by the new proposed changes to the noise by-law.

According to my research, many jurisdictions in North America adopted already measurable methods to establish thresholds of acceptable noise pollution level. One example of such community is the city of Ottawa. On top of changing you proposal regarding allowing unrestricted sport field noise pollution the above should be considered.

The new proposal do not address issues associated with noise pollution produced by city as well as privately owned ground maintenance machinery. Often the above are designed to be used outside city limits and produce much more pollution than cars and motorcycles. We do need protection from that common polluters.

I would like you, Mr. McLean and the Committee, to conduct more research on this topic. Bring the best practices from other leading jurisdictions to our City. I would like you to strongly consider the measurable protection approach and incorporate it in the new bylaw. Since this new bylaw is going to serve the community for years to come, let's make it a good one; one that doesn't hurt the residents of this city.

Yours sincerely,

Ryszard Pietka
Churchill St.

From: Don B. Rogers
Sent: Friday, April 08, 2016 3:41 PM
To: McLean,Greg
Subject: Comments-Noise Bylaw

Follow Up Flag: Follow Up
Due By: Saturday, April 09, 2016 1:40 PM
Flag Status: Flagged

Hello Greg

Was good chatting with you at the open house. Herefollows my comments:

Comments on proposed changes to Noise By-Law 2004-52

I have examined the proposed changes, and I attended the open house at City Hall on 06 April.

From discussions I had with staff, I have misgivings about some of the changes themselves, and a fear of ramifications, possibly unforeseen ramifications.

It is my conclusion that the entire concept of defining a "sports field" and giving such fields ongoing special exemptions from the rest of the noise by-law, is fundamentally flawed.

Noise is noise is noise. Amplified noise is amplified noise is amplified noise, regardless whether such amplified noise, is created by sports on a sports field, by a rock concert, by a house party, by a wedding, etc etc. The degradation of quality of life for those residents affected by such noise is the same regardless of the source of the amplified noise.

That is not to say that specific sports events cannot obtain a TEMPORARY exemption on a case- by-case basis, the same as any other source of amplified noise can. Whether it is a sports event, a rock concert, or a wedding, the same application procedure for a temporary exemption should apply, with public input, and application fee sufficient to cover the city's costs.

What could be added to the bylaw is a definition of temporary. A definition of "temporary" as no longer than 30 days would seem a reasonable compromise to me.

Amplified noise is not really an essential component of most sporting events, despite what some organizers suggest. For a sports event, it is a nice-to-have, rather than an essential necessity. The one exception is game whistles. Perhaps game whistles can be accommodated in the noise bylaw when used in the actual conduct of a game.

At present, the main driving force for special status in the noise bylaw seems to be coming from Queen's University. In responding to the pressure from Queen's, it should be remembered that it is Queen's University which unilaterally upset a longstanding equilibrium with the community, by

Exhibit C

installing turf, night lighting, and amplified sound near residential neighbourhoods. Those residents pay property taxes on their homes, and have every right to expect in return from the city, quiet enjoyment of their properties. What Queen's University presents as a compromise is, in fact, a profound unilateral intrusion into the quiet enjoyment of their homes that citizens have a right to expect.

In summary:

- no special definition of a sports field –no special treatment for sports events.
- sports events should follow the same rules as non-sports events for temporary exemptions.
- perhaps some accommodation for game whistles.

Thank you
Don B. Rogers
242 Mack St.

This email has been checked for viruses by Avast antivirus software.

<https://www.avast.com/antivirus>

Dear Mr. McLean, Paige Agnew and the Noise Bylaw Review Committee,

I am writing to you in strong opposition to the new noise bylaws and in hope that you seriously reconsider changing the proposed bylaws.

I live just across SLC sport field and will be adversely affected by the changes. I appeal to you to recognize noise as an environmental pollution; treat it as any other pollution and offer residents more protection from it. I am afraid that the new bylaw is going to do just the opposite.

Existing proposal of changing the noise bylaw, produced by city staff, is also a major departure from a long standing policy of promoting greener, healthier city, with more bicycle lanes and friendly parks. It seems to me that the city is promoting “noisy city” instead; yielding to the pressures of organisations like Queen’s and St. Lawrence College, which are pursuing a commercial success at their neighbours’ expense and at cost of our quality of life.

I support sport fields as places where friends meet and where children and parents have a great time. They are more than welcome in any neighbourhood. Please consider, however, that major sport events normally are held at the stadiums, with capacity for hundreds /thousands spectators and with amplified sound systems. As the sport fields belong to the residential neighbourhoods, the stadiums do not, as the ongoing conflict between residents and Richardson Stadium clearly shows.

Amplified sound at the sport field - as I experienced myself- is extremely disruptive and problematic. The worst offender is the lower frequency sound, equally produced by music and by sport voice announcements, which will travel through walls and closed windows. Doing a simple tasks or trying to watch TV, read a book, listen to the radio, or even to have a normal conversation inside proves difficult if not impossible. There is no escape from the noise. I did already experienced that, thanks to last year SLC noise by-law and noise by-law exemption violation.

Everyone deserves a quiet time, BBQ in our backyard and friends over for dinner, and not the event noise that damages our quality of life. The new bylaw proposal allows for a noise related interruption without any restrictions/ control mechanisms.

The fact that some events require and other do not require sound amplification is a very good indicator if the sport event belongs to the residential neighbourhood or to a specially designated stadium. I am strongly against the idea of having amplified sound to be allowed in residential neighbourhoods. I strongly believe that city residents and tax payers deserve and should expect more protection from noise polluters. The sound produced in non-residential zone travels to adjacent residential zone. All what is between my residential zone and SLC sport field is 30m of air.

St. Lawrence College plans to rent their sport field to other parties which are to host major sports events requiring presence of amplified sound. I was assured by SLC that their sport field is not going to be “another Richardson Stadium” and yet it seems that I was plainly deceived: two pads for additional 500 seats were just installed (adding to the already existing 300 seats) in their main sport field. The newly installed lighting systems assures that the noisy events can take place up to late at night. The idea of 800 spectators whistling, shouting and using PA system without any restrictions from early morning to late at night directly across my house is really frightening and in full disrespect to the needs of residential neighbours. I would suggest that persons who are responsible for the new noise bylaws move in directly across SLC sport field and see by themselves how disruptive the noise is.

I am extremely worried that the new bylaw will cause my neighbourhood to become the low income/ difficult to live in, low home price area. It is very possible that the value of my home – and that is my retirement as well – will plummet as a result. It is not good idea to stop natural progress and development of neighbourhood. Replacing its natural diversity by creating exclusion zones around chosen sport fields. It is easy to stop development of neighbourhood by imposing not favourable to development climate.

Since the first noise bylaw exception which was granted to SLC two years ago, I live in constant fear that I will have to move out because of the noise pollution. Unfortunately, I cannot afford to move out nor I want to move out from my neighbourhood. I spent here over 10 years, taking care of my house and garden, forging friendships with the neighbours and contributing to the city development through my taxes. This proposal goes much farther than any granted exemption given to SLC. It basically means the residents will have no protection from the noise 7 days a week, from 7 am to 11pm. This is a truly scary vision.

It would be beneficial to create list of City addresses/ sport fields that would be affected by the new proposed changes to the noise by-law. It is interesting to see how far the fiasco of Richardson Stadium will spread in Kingston.

According to my research, many jurisdictions in North America adopted already measurable methods to establish thresholds of acceptable noise pollution level. One example of such community is the city of Ottawa. On top of changing you proposal regarding allowing unrestricted sport field noise pollution the above should be considered.

The new proposal do not address issues associated with noise pollution produced by city as well as privately owned ground maintenance machinery. Often the above are designed to be used outside city limits and produce much more pollution than cars and motorcycle exhausts.

I would like you, Mr. Mclean and the Committee, to conduct more research on this topic. I would like you to strongly consider the measurable protection approach and incorporate it in the new bylaw. Since this new bylaw is going to serve the community for years to come, let's make it a good one; one that doesn't hurt the residents of this city.

Yours sincerely,

Ryszard Pietka

Churchill St. Kingston

From: Malgorzata Maliszewska
Sent: Friday, April 08, 2016 11:50 AM
To: McLean,Greg
Cc: Schell,Elizabeth
Subject: Letter re. Proposed Changes to Noise Bylaw

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. McLean,

I am writing to you to express my concerns about the new proposed noise by-law. "Amplification of voice or sound for the purposes of playing the national anthem and intermittent game-related PA announcements during organized sporting activities on a sports field" and "Yelling, shouting, hooting, whistling or singing during organized sporting activities on a sports field" are the ones I am particularly alarmed about.

I live very close to St. Lawrence College sport field (Churchill Street) and unfortunately, the noise coming from the field is really problematic. At a meeting at SLC regarding installment of lights over their sport field two years ago, I was assured that the College will be using the field only for their own sports team activities. Sadly, this turned out to be untrue. It seems that SLC is renting the field to other parties; parties, which do not care about noise levels in the neighbourhood. Amplified sound was used a few times since then, and a loud music was played at least once. When that happens, it is really difficult to have a normal day. The noise is seeping through the walls and windows, which I have to keep closed (quite uncomfortable in higher temperatures, as I do not have AC). The noise triggers headaches and doesn't allow for a quiet enjoyment of my home or backyard.

I am convinced that the changes to the noise by-law will allow SLC to host more events with amplified sound and therefore completely ruin my free time. Noise is a pollution as any other pollution and as an over 10-year resident of Kingston and as a tax payer, I expect the by-laws to protect the residents from any sort of harmful circumstances.

SLC is just installing additional seating spaces around their sport field (raising the number from 300 to 800). This doesn't project well for our neighbourhood. I am very concerned about whistling, shouting and singing, going on for the whole day and with no respect to the residents living around the field. Being so close to SLC means that we live around houses which are student rentals. We have to deal with loud music, parties and neglected houses throughout the school year. Now, with the proposed noise changes, it seems we will have to suffer from the noise throughout the whole year. I don't think this fair. No one should be pressured to move out of a neighbourhood (which I happen to like very much) just because the city decides to create by-laws that benefit big organisations like SLC and disregard the residents.

Has anyone in the city considered the impact of the new by-laws on the property value in the neighbourhood? Has a research been done regarding the acceptable noise levels in such neighbourhoods like ours? Has a research been done on health impact of living in a frequent and excessive noise? What about mechanisms which would measure the noise and prevent it from going up to dangerous levels?

Exhibit C

It seems to me that none of these questions have been considered, asked and answered. I would expect that each by-law is backed up with proper research and all possible outcomes and consequences of such are taken into account.

Sincerely,

Margaret Maliszewska

From: Jeff Downie
Sent: Tuesday, April 05, 2016 5:43 PM
To: McLean,Greg
Cc: Lisa Osanic
Subject: Noise bylaw changes

Follow Up Flag: Follow up
Flag Status: Flagged

Greg,

As a resident near woodbine park, on bridle path cres, I just wanted to pass along my support for the proposed noise bylaw changes. I think a consistent policy across the city that increases the hours of use on all outdoor fields is a very positive statement for the health and wellness of our community. It is the type of active community I look forward to raising my 3 kids in.

Regards,

Jeff

From: Donald Mitchell
Sent: Friday, April 08, 2016 4:31 PM
To: McLean,Greg
Cc: Agnew,Paige
Subject: Noise By-Law Rewrite

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon, Mr. McLean;

Further to our conversation at the open house I would like to provide some comments with an additional inquiry regarding the proposed noise by-law rewrite. As you explained in person, due to our bells etc., churches are included in the scope of the noise by-law rewrite. It is the larger amalgamation rewrite that I believe the following is to address.

We, Sydenham Street United Church would like the city of Kingston to reconsider carefully the proposed language change of 'church' and 'place of worship'. While seeming on first glance – especially to a secular mindset – to be comparable, the alteration is in fact a significant deviation from the perception(s) of church congregations and the way they operate their buildings for community service.

We realize the *intent* is to be more inclusive or universal; but there are some concerns with the replacement phrase. Most obviously it limits/defines any church organization to a structure (place) and a partial building activity (worship). It is similar to calling the Tett Centre a 'place of dance' or a 'place of music lending'. We are all in fact culture buildings. And in terms of *cultural appropriation* it raises the question by what authority does the city remove the word 'church'. We are Sydenham Street United *Church*, St. Andrew's Presbyterian Church, First Baptist Church, Chalmers United Church, plus dozens of other churches and our organizations have a very distinct culture, especially in the active *organic* unfolding of 'church'. That cultural work should be fully honored and represented in any potential rewrite. There appears a presumption and missing stakeholder consultation in this current process. This is a first concern.

Second concern, is the phrase 'place of worship' does not acknowledge the wider accomplishments of our buildings and organizations. I suspect municipalities are mostly focused on a narrower 'real estate' perspective; and therefore, why should planning care? I'd ask you to consider the following in the lens of the objectives of *promoting intensification, protecting natural and built heritage, encouraging active transportation and conserving built heritage resources*. Also, it would seem important that zoning and other language accurately reflect the actual living-practice of our building operations.

Background:

Of the over 1000-person average weekly traffic at SSUC, the 'worship' activities though vibrant represent less than a quarter of that people traffic. Kingston's unique collection of cultural church buildings have an historical diverse community-use and partnership that *actively* dates back 50 years and in certain buildings, such as ours, well over a 100 years. The 800 to 1000 people, mostly

Exhibit C

charities and NFPs, who use the building are not represented in the language 'place of worship'. You might offer the same regarding 'church' except there is a pre-existing cultural understanding in society that knows *churches* historically include community groups and wider service in the operations of their buildings. We have 600+ people who attend social outreach programming in our building each week.

The city of Kingston is rewriting and amalgamating its by-laws including definitions without seeming to be informed by our living culture and practices. Consider, the present recommended definition (of the 5 possible choices) for 'church' using terminology that is inaccurate with it's application of "exclusively". Further, the choice is selected without considering that smaller rural church structures do not function in the same fashion as large downtown church structures. This is not unique to Kingston when you consider many churches in Toronto, Ottawa, and indeed across the country are cutting-edge collaborative NFP operations while increasingly moving to the more sustainable social enterprise model and away from the unsustainable paternalistic model.

I am conscious this email is becoming long. So, I'll conclude with the following:

We believe there is a stakeholder consultation that should occur with Kingston's churches. The most economic and beneficial community outcome will be to see Kingston's large cultural buildings continue to serve our diverse community. We remain vital arts, social justice and faith hubs – key incubators – for building the cultural life of Kingston. It is unlikely that either municipality or private enterprise will provide a more affordable model to serve community. We would request you to perform a wider consultation regarding classifying our buildings as 'places of worship' as it is only a portion of our valuable service. Our growth supports intensification, protecting & sustaining heritage (natural and built) and promotes walkability and local downtown core vibrancy and our operations simply are not *exclusively worship*.

We would like to discuss this further and are hopeful you will contact us. Thank you for your time and consideration.

Sincerely, Don.

The Spire on Sydenham

Community Building,
Building Community!

Donald Mitchell, Operations Manager
Sydenham Street United Church
82 Sydenham Street
Kingston, ON
K7L 3H4

From: Frank Halligan
Sent: Friday, April 08, 2016 12:59 PM
To: McLean,Greg
Subject: Noise ByLaw

Follow Up Flag: Follow up
Flag Status: Flagged

I am in full agreement with the proposed changes to the noise bylaw. I believe that they lead to equity between non-municipal sports fields with city-owned sports fields. I also like the definition of a sports field as distinct and separate from other residential property. I think that the time allocations are also fair.

Thank you for your work on this,

Frank Halligan

Athletic Coordinator

Kingston and Area Secondary School Athletic Association

From: Denita Arthurs
Sent: Friday, April 08, 2016 12:11 PM
To: McLean,Greg
Cc: Wanda Williams
Subject: Noise by-law

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Greg,

Thanks to you and everyone at the City for your work in preparing the proposed changes to the Noise By-Law. Back in December 2015, St. Lawrence and Queen’s jointly submitted a recommendation that the City of Kingston align the bylaws that impact community-owned sports fields with the operating policies that govern the use of municipally-owned sports fields. The proposed Noise By-Law changes address our concerns and provide the appropriate framework for enhancing the health and wellness of our community. We are committed to working closely with residents and groups across the City to enhance Kingston’s quality of life and to be an active partner in meeting the City’s Active Living Charter and Parks and Recreation Master Plan recommendations. St. Lawrence College thanks the City of Kingston for including us in the public consultation process, and we look forward to continued involvement as these changes are considered.

Denita Arthurs

Manager, Athletics and Student Life
St. Lawrence College
Brockville | Cornwall | Kingston

www.stlawrencecollege.ca
www.slathletics.ca



From: Dale Neal
Sent: Friday, April 08, 2016 2:26 PM
To: McLean,Greg
Subject: Proposed Changes to City Noise Bylaw

Follow Up Flag: Follow Up
Due By: Saturday, April 09, 2016 1:38 PM
Flag Status: Flagged

Dear Councilors;

As both a resident and youth/adult sport supporter, I fully support the proposed changes that would allow sports fields that are not owned by the city to operate under the same noise rules. Hopefully in addition to fields at Queen's and SLC the same noise rules would apply to school fields.

I do appreciate the concerns many people did express against noise generation but, feel that the limited exposure to sports field noise is offset by the healthier lifestyles those sports provide.

Thank you for taking the views of many involved in sport in the City of Kingston into consideration and making these changes that will enhance the general well being of city residents and businesses of those that support sport tourism activities. As my volunteer efforts with Kingston Clippers Soccer Club the expansion of sport tourism into Kingston and the opportunities sport provides our youth these changes are very positive.

Regards

Dale Neal
1271 Longwood Terrace
K7P 3B9

From: James
Sent: Friday, April 08, 2016 2:55 PM
To: McLean,Greg
Subject: Proposed changes to the Noise Bylaw

Follow Up Flag: Follow Up
Due By: Saturday, April 09, 2016 1:39 PM
Flag Status: Flagged

Good afternoon, I'm writing in support of the proposed changes to the Noise Bylaw.

I feel the suggestions put forward create a balance between the needs of our community sports fields and the residence in the area, all while holding the non-municipal sports fields to the same bylaws as the city owned fields.

Thank you,
James Lighthart

KINGSTON WOMEN'S SOCCER CLUB



April 8, 2016

Dear Mr. McLean,

Thank you for giving us this opportunity to express our support for the proposed amendments to the City of Kingston's Noise Control Bylaw 200 2004-52, Schedule "A", Section 7.

The Kingston Women's Soccer Club has more than 700 members aged 16 to 65 who register each year to play outdoor soccer. We currently enjoy strong ties with both Queen's University and St. Lawrence College, which allow us to make use of their fields to accommodate the growing demand for our sport.

Over the years, we have been regular renters of Tindall, Nixon, and Miklas-McCarney turf fields, and the grass fields on the Queen's West Campus. And we have recently entered into a partnership with St. Lawrence College which will see us make extensive use of their South Grass field. We plan to use these fields again this year on Tuesdays, Thursdays, and occasional Sunday evenings from May through August.

These relationships have been vital to our organization, enabling us to provide affordable recreational opportunities to women throughout our community each year.

The Queen's Athletics and Recreation Department and the Athletics and Student Life staff at St. Lawrence College have worked diligently over the last two years to limit noise on their playing fields, and our club has always made an effort to respect the needs of neighbouring residents and keep noise to a minimum during and after our games. However our game does require the use of referees' whistles, and both institutions have needed to pursue exemptions to the existing bylaw in order to allow us to enforce the rules of our sport. Without those exemptions, we would have been unable to schedule evening games and would have been forced to limit the number of teams in our club, effectively denying women the opportunity to play soccer.

We welcome the proposed changes that would align the use of Queen's and St. Lawrence College fields with fields owned by the City of Kingston, with whom we also enjoy a strong working relationship.

In particular, we are pleased to support the proposed changes which would allow whistles and other game-related noise on the fields we play on until 10:30 p.m. (Even with the current exemption, we have found it difficult to meet the restrictions the bylaw imposes on the West Campus fields.) The changes will make it easier for us to provide playing time for our members and encourage an active, healthy lifestyle among women in the Kingston area.

We hope Kingston City Council will continue to invest in the growth of organized adult recreational sport in our community by embracing the proposed amendments.

On behalf of the KWSC membership, the KWSC Board of Directors is pleased to support the City of Kingston's proposed changes to Noise Control By-Law 2004-52.

Sincerely,

Rachel Brace, President
Kingston Women's Soccer Club

Noise Bylaw Open House

①
Name: Frank Dixon, Williamsville

Contact Information _____

Comments:

1) Amend "Game related PA announcements and the national anthem" TO

"national anthems" for cases of international matches.

2) Question on ABOVE's Queen's Guinimity →

② football varsity matches ALSO have AMPLIFIED MUSIC between plays. Is this to be included as well, under this category? This can be VERY LOUD, and is NOT strictly game-related, it seems to me, BUT is more for the crowd's entertainment.

By-Law Number 2017-XX

A By-Law to Amend By-Law Number 2004-52 “A By-Law to Regulate Noise”

Passed: [Meeting date], 2016

The Council of the Corporation of the City of Kingston enacts as follows:

1. By-Law Number 2004-52 of the Corporation of the City of Kingston entitled “A By-Law to Regulate Noise”, as amended, is hereby further amended as follows:
 - 1.1 Schedule D, Designated Residential Areas and Other Areas, is hereby amended by converting the parcels of land known as 1000 King Street West, 1032 King Street West, 1066 King Street West and 1098 King Street West from an “Other Area” designation to a “Residential Area” designation by applying the applicable colour code to the map that forms Schedule D.
2. This by-law shall come into force and take effect upon the date of its passing.

Given First and Second Readings Month XX, 2016

Given Third Reading and Passed Month XX, 2016

John Bolognone
City Clerk

Bryan Paterson
Mayor

By-Law Number 2016-XX**A By-Law to Amend By-Law Number 2004-52 “A By-Law to Regulate Noise”**

Passed: [Meeting date], 2016

The Council of the Corporation of the City of Kingston enacts as follows:

1. By-Law Number 2004-52 of the Corporation of the City of Kingston entitled “A By-Law to Regulate Noise”, as amended, is hereby further amended as follows:

- 1.1 Add the following “Whereas” clauses after the first “Whereas” clause:

Whereas section 425 of the Municipal Act, 2001 authorizes the Council of every local municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence; and

Whereas section 429 of the Municipal Act, 2001 authorizes the Council of every local municipality to establish a system of fines for offences of a by-law of the municipality passed under this Act;

- 1.2 Section 1. is deleted and the following substituted:

1. **Definitions:**

In this by-law,

“Agricultural property” means a property that is zoned for agricultural use in the zoning by-law that applies to the property;

“Chief Fire Official” means the assistant to the Fire Marshal who is the Fire Chief of the City of Kingston, or a member or members of Kingston Fire and Rescue appointed by the Fire Chief to be Chief Fire Officials, subject to the limitations and conditions as are set out in the appointment.

“City” and **“City of Kingston”** mean The Corporation of the City of Kingston, as incorporated on January 1, 1998, and all of its administrative units;

“Construction” includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, blasting and detonation of explosive devices other than fireworks, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any associated or related work;

“Construction equipment” means any equipment or device designed and intended for use in construction or material handling, including but not limited to

air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers, trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;

“Council” and **“City Council”** mean the Council of the City of Kingston;

“Downtown Kingston Business Improvement Area” means the geographical area as defined in Schedule E to this by-law.

“Emergency” means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise, which arises suddenly and calls for prompt action;

“Emergency vehicle” includes a land ambulance, an air ambulance, a fire department vehicle, a police vehicle, and a motor vehicle being used to respond to an emergency;

“Explosives Act” means the Explosives Act, R.S.C. 1985, c. E-17, as amended, or any successor legislation thereof;

“Explosives Regulations” means the Explosives Regulations, 2013, SOR/2013-211, as amended, or any successor legislation thereof;

“Fireworks” means, in the context of this by-law, consumer fireworks as classified by the Chief Inspector of Explosives in accordance with the Explosives Act and the Explosives Regulations. It also means display fireworks and special effect pyrotechnics, as classified by the Chief Inspector of Explosives in accordance with the Explosives Act and the Explosives Regulations, when the detonation of such has been authorized by the Chief Fire Official;

“Licensing and Enforcement Division” means the administrative unit of the Planning, Building and Licensing Services Department that is responsible for enforcing the general by-laws of the City or, in the event of organizational changes, another administrative unit designated by Council to carry out this responsibility;

“Manager of Licensing and Enforcement” means the Manager of the Licensing and Enforcement Division, of the Planning, Building and Licensing Services Department, his or her designate or, in the event of organizational changes, another employee designated by City Council.

“Motor vehicle” includes an automobile, bus, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by muscular power, but does not include a motorized snow vehicle, traction engine, farm tractor, other farm vehicle or road-building machine;

“Municipal service vehicle” means a vehicle operated by or on behalf of the City or a local board of the City while the vehicle is being used for the

construction, repair or maintenance of a highway, including the clearing and removal of snow, the construction, repair or maintenance of a utility, the collection or transportation of waste, or other municipal purpose;

“Noise” means sound that is unusual or excessive, or that is unwanted by or disturbing to persons;

“Other areas” means the lands designated in Schedule D as “other areas”;

“Person” includes a corporation as well as an individual, and shall include the owner of a property;

“Premises” means a piece of land and any buildings and structures on it, and includes a place of business, a public highway, private road, lane, pathway and sidewalk, and any other location or place;

“Residence” means a room, suite of rooms, or dwelling, including a mobile trailer, operated as a housekeeping unit that is used or intended to be used as a separate domicile by one or more persons, and that normally contains cooking, eating, living, sleeping and sanitary facilities;

“Residential areas” means all lands within the geographic boundaries of the City except for those lands designated in Schedule D as “other areas”;

“Sports field” means any area, not on property with a residential use, or vacant and eligible for a residential use, as defined in the City’s zoning by-laws, whether or not delineated by lines, that is designated as a playing surface, and includes any adjacent seating area or stands;

“Statutory holiday” includes Boxing Day and any day within the definition of “holiday” in the Retail Business Holidays Act R.S.O. 1990, Ch. R.30, as amended, or any successor thereof;

“Utility” means a system that is used to provide a utility service to the public, including water, sewage, electricity, gas, communications networks and cable services;

“Utility service vehicle” means a vehicle operated by or on behalf of Utilities Kingston, its subsidiary companies, and by any other company or agency that supplies or manages a utility within the City while the vehicle is being used for the construction, repair or maintenance of that utility;

“Vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and other vehicle propelled or driven other than by muscular power; and

“Zoning by-law” means a by-law passed under section 34 of the Planning Act that restricts the use of land.

1.3 Section 3. is deleted and the following substituted:

3. Administration:

- 3.1 The Licensing and Enforcement Division is responsible for the administration of this by-law.
 - 3.2 All Provincial Offences Officers with authority to enforce the by-laws of the City are responsible for enforcing the provisions of this by-law.
 - 3.3 Any person may submit an application to the Licensing and Enforcement Division requesting an exemption from any of the prohibitions described in Schedules A and B.
 - 3.4 Council approved exemptions will be in effect for the dates specified, and Council may impose any conditions that it considers appropriate.
 - 3.5 A Council approved exemption shall be invalid if these conditions are contravened.
 - 3.6 Notwithstanding sections 3.3 and 3.4, the Manager of Licensing and Enforcement, or his or her designate, has delegated authority to approve an application for exemption from the noise prohibitions listed in section 1 and section 3 of Schedule B of this by-law to permit the pouring, saw-cutting and finishing of concrete, between 1900 hours and 2300 hours, one day per week, excluding Sundays and Statutory Holidays.
 - 3.7 Notwithstanding sections 3.3 and 3.4, the Manager of Licensing and Enforcement, or his or her designate, has delegated authority to approve an application for exemption from the noise prohibitions listed in section 1 and section 3 of Schedule B of this by-law to permit construction activity and the operation of construction equipment in connection with construction between 1900 hours and 2100 hours, one day per week, excluding Saturdays, Sundays and Statutory Holidays.
 - 3.8 Exemptions approved by the Manager of Licensing and Enforcement shall be in effect for the dates specified, and the Manager of Licensing and Enforcement may impose any conditions that he or she considers appropriate.
 - 3.9 An exemption approved by the Manager of Licensing and Enforcement shall be invalid if these conditions are contravened.
- 1.4 Section 4.3 be added as follows:
- 4.3 No person shall obstruct or hinder or attempt to obstruct or hinder a Provincial Offences Officer or other authorized employee or agent of the City in the exercise of a power or the performance of a duty under this by-law.
- 1.5 Section 5.3 is deleted and the following substituted:

The prohibitions described in Schedules A and B do not apply if the noise is the result of an activity that has been granted an exemption under section 3.4, 3.6, or 3.7.

- 1.6 Section 6., Schedule D is deleted and the following substituted:

Schedule D - Designated Residential Areas and Other Areas;

- 1.7 Section 6., Schedule E is added as follows:

Schedule E – Downtown Kingston Business Improvement Area.

- 1.8 Section 7.1 is deleted and the following substituted:

7.1 Every person, other than a corporation, who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for a first offence and \$25,000 for any subsequent offence, as provided for in subsection 429 (2) (c) of the Municipal Act, 2001, as amended from time to time.

- 1.9 Section 7.2 is deleted and the following is substituted:

7.2 Every corporation that contravenes any provision of this By-Law and every officer or director of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 for a first offence and \$100,000 for any subsequent offence, as provided for in subsections 425(3) and 429(2) (a) of the Municipal Act, 2001, as amended from time to time.

- 1.10 Section 7.3 be added as follows:

7.3 If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

- 1.11 Schedule A – General Noise Prohibitions, No. 10 is deleted.

- 1.12 Schedule A – General Noise Prohibitions, No. 11 is deleted.

- 1.13 Schedule A – General Noise Prohibitions, No. 7 is deleted and the following substituted:

7. Operation of any outdoor auditory signaling device, including but not limited to outdoor paging systems, the ringing of bells or gongs, the use of sirens or chimes, or the sounding of whistles for any purpose other than to control organized sporting activities at a sports field, or the production, reproduction or amplification

of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practice.

1.14 Schedule B – Noise Prohibitions by Time and Place is deleted and the following substituted:

SCHEDULE B

NOISE PROHIBITIONS BY TIME AND PLACE

Activity	Prohibited Times	
	Residential Areas	Other Areas
1. Operation of construction equipment in connection with construction.	C and F	C and F
2. Reserved (By-Law Number 2004-52; 2007-51)	E	E
3. Erection, alteration, repair, dismantling, or any activity related to construction.	C and F	C and F
4. Operation of any device or group of connected devices intended for the production, reproduction, or amplification of voices or sound, except for the playing of the national anthem and for intermittent game related announcements during organized sporting activities at a sports field, on the condition that the volume does not exceed the minimum level required to be clearly audible to persons at a sports field.	A	E
5. Operation of a combustion engine that (i) is, or (ii) is used in, or (iii) is intended for use in a toy or a model or replica of a larger device, which is not a conveyance and which has no purpose other than amusement.	C	E
6. Venting, release or pressure relief of air, steam or other gaseous material, product or	E	E

	compound from any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system.		
7.	Operation of a solid waste bulk lift or refuse compacting equipment, except within the geographical boundaries of the Downtown Kingston Business Improvement Area.	C	D
8.	Operation of commercial car wash equipment.	E	E
9.	Operation of any powered rail car including but not limited to locomotives and refrigeration cars while stationary on property not owned or controlled by a railway company governed by the Railway Safety Act (Canada).	C	D
10.	Operation of any motorized conveyance other than on a highway or other place intended for its operation.	C	D
11.	Outdoor operation of any powered or non-powered tool for domestic purposes other than snow removal.	D	E
12.	Loading, unloading, delivering, packing, unpacking or otherwise handling any containers, products, other materials or refuse, unless necessary for the maintenance of essential services or the moving of private household effects.	C and F	F
13.	Operation of a pit or quarry.	C and F	C and F
14.	Take-off or landing of a power-assisted hang glider, parafoil, or aircraft of any type.	A	C
15.	Yelling, shouting, hooting, whistling or singing, or the playing of musical instruments,	D	E

including percussion instruments.		
16. Yelling, shouting, hooting, whistling or singing during organized sporting activities at a sports field.	H	I
17. Amplification of voices or sound for the playing of the national anthem and for intermittent game related announcements during organized sporting activities at a sports field.	G	I
18. Whistles when used to control organized sporting activities at a sports field.	G	G
19. Collecting waste and refuse, including operation of a solid waste bulk lift or refuse compacting equipment within the geographical boundaries of the Downtown Kingston Business Improvement Area.	N/A	J
20. Setting off of fireworks.	K	K

Prohibited Times

- A. At any time
- B. 1700 hours (5:00pm) of one day to 0700 hours of the next day (0900 Sundays)
- C. 1900 hours (7:00pm) of one day to 0700 hours of the next day (0900 Sundays)
- D. 2100 hours (9:00pm) of one day to 0700 hours of the next day (0900 Sundays)
- E. 2300 hours (11:00pm) of one day to 0700 hours of the next day (0900 Sundays)
- F. All day Sundays and Statutory Holidays
- G. 2230 hours (10:30 pm) of one day to 0800 hours of the next day
- H. 2230 hours (10:30 pm) of one day to 0700 hours of the next day (0800 Sundays)

- I. 2300 hours (11:00 pm) of one day to 0700 hours of the next day (0800 Sundays)
- J. 2100 hours (9:00pm) of one day to 0600 hours of the next day
- K. At any time except:
 - a) between dusk and 2300 hours (11:00 pm) on Victoria Day;
 - b) between dusk and 2300 hours (11:00 pm) on the day immediately preceding Victoria Day;
 - c) between dusk and 2300 hours (11:00 pm) on Canada Day;
 - d) between dusk and 2300 hours (11:00 pm) on the day immediately preceding Canada Day;
 - e) between dusk on New Year’s Eve and 0030 hours (12:30 am) on New Year’s Day; or,
 - f) when authorized by the Chief Fire Official.

1.15 Schedule C – Exemptions from the Noise Prohibitions is deleted and the following substituted:

EXEMPTIONS FROM THE NOISE PROHIBITIONS

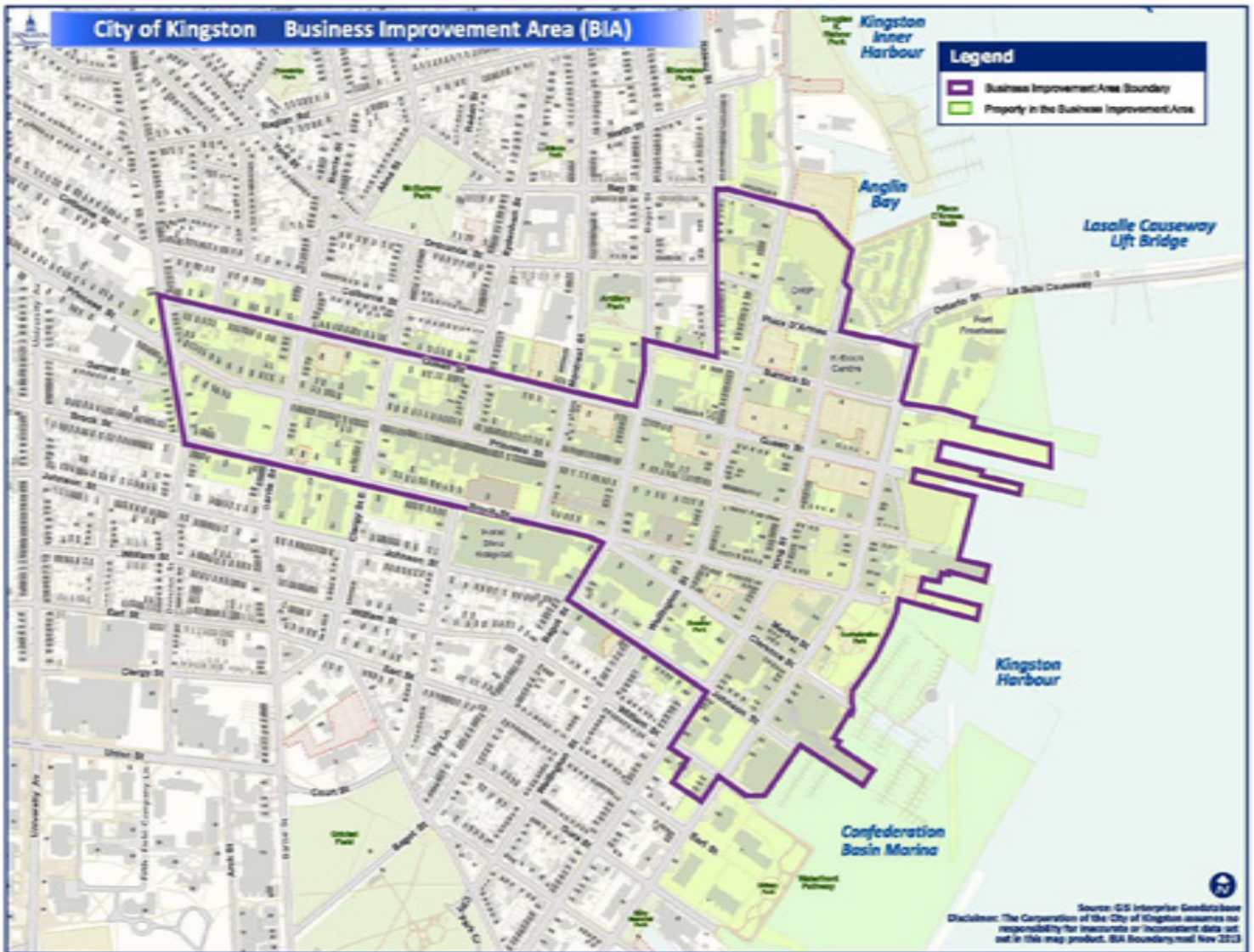
- 1. Operation of emergency vehicles.
- 2. Operation of municipal service vehicles and related equipment.
- 3. Operation of utility service vehicles and related equipment.
- 4. Midways that have been authorized by the City.
- 5. Circuses that have been authorized by the City.
- 6. Races, parades, processions, and events for ceremonial, religious or traditional purposes that have been authorized by the City.
- 7. Operation of bells, chimes, carillons and clocks in places of worship and public buildings.
- 8. Cultural, recreational, educational and political events in parks and other public places that have been authorized by the City.
- 9. Neighbourhood events on municipal highways and other municipal property that have been authorized by the City.
- 10. Aviation activities at Norman Rogers Airport.
- 11. Agricultural activities on agricultural properties.

1.16 Schedule D – the title “Designated Residential Areas” is deleted and the following substituted:

Designated Residential Areas and Other Areas

1.17 A map entitled "Downtown Kingston Business Improvement Area be added as Schedule E to this by-law.

Schedule E – Downtown Kingston Business Improvement Area



2. This By-Law shall come into force and take effect upon the date of its passing.

Given First and Second Readings Month XX, 2016

Given Third Reading and Passed Month XX, 2016

John Bolognone
City Clerk

Bryan Paterson
Mayor

By-Law Number 2017-XXX

A By-Law to Amend By-Law Number 2004-52 “A By-Law to Regulate Noise”

Passed: [Meeting date], 2016

The Council of the Corporation of the City of Kingston enacts as follows:

1. By-Law Number 2004-52 of the Corporation of the City of Kingston entitled “A By-Law to Regulate Noise”, as amended, is hereby further amended as follows:
 - 1.1 Schedule B – Noise Prohibitions by Time and Place, Activity Number 2 is deleted and the following substituted:

Schedule B

Noise Prohibitions by Time and Place

Activity	Prohibited Times	
	Residential Areas	Other Areas
2. Playing of musical instruments, including percussion instruments.	D	E

- 1.2 Schedule B – Noise Prohibitions by Time and Place, Activity Number 15 is deleted and the following substituted:

Schedule B

Noise Prohibitions by Time and Place

Activity	Prohibited Times	
	Residential Areas	Other Areas
15. Yelling, shouting, hooting, whistling or singing, except during organized sporting activities at a sports field.	D	E

2. This by-law shall come into force and take effect upon approval of the revised short form wording from the Ministry of the Attorney General.

Given First and Second Readings Month XX, 2016

Given Third Reading and Passed Month XX, 2016

John Bolognone
City Clerk

Bryan Paterson
Mayor