



**City of Kingston  
Report to Council  
Report Number 21-198**

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**To:** Mayor and Members of Council  
**From:** Paige Agnew, Commissioner, Community Services  
**Resource Staff:** Lisa Capener-Hunt, Director, Building & Enforcement  
**Date of Meeting:** August 10, 2021  
**Subject:** Request for Temporary Noise Exemption – St. Lawrence College

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**Council Strategic Plan Alignment:**

Theme: Policies & by-laws

Goal: See above

**Executive Summary:**

The Student Association of St. Lawrence College has applied for a temporary exemption to By-Law Number 2004-52, A By-Law to Regulate Noise, to allow for the use of amplified sound as part of an outdoor movie screening from 9:00 p.m. to 11:00 p.m. on September 7, 2021. The playing of amplified sound in Residential Areas as defined by the Noise By-Law is prohibited at all times.

An advertisement for this exemption request was placed in the Kingston Whig-Standard on July 13, 2021 (Exhibit A) and on the City of Kingston website. The notices are published in order to give the public an opportunity to comment on the proposed request for exemption. No correspondence has been received as of the time of writing this report.

**Recommendation:**

**That** the Student Association of St. Lawrence College be granted an exemption from Schedule B Activity 4 of By-Law Number 2004-52, “A By-Law to Regulate Noise”, to permit the playing of amplified sound for an outdoor movie screening at 100 Portsmouth Avenue from 9:00 p.m. to 11:00 p.m. on September 7, 2021.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

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**Paige Agnew, Commissioner,  
Community Services**

ORIGINAL SIGNED BY CHIEF  
ADMINISTRATIVE OFFICER

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**Lanie Hurdle, Chief  
Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Peter Huigenbos, Commissioner, Business, Environment & Projects	Not required
Brad Joyce, Commissioner, Corporate Services	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Sheila Kidd, Commissioner, Transportation & Public Works	Not required

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**Options/Discussion:**

Section 3.3 of [By-Law Number 2004-52, A By-Law to Regulate Noise](#) (the Noise By-Law) states that any person may apply to the Licensing & Enforcement Division requesting an exemption from the prohibitions in Schedules A and B of the by-law; Section 3.4 provides that Council may approve the exemption request and impose any conditions it deems appropriate.

An exemption is sought to Schedule B Activity 4 of the Noise By-Law, which prohibits the amplification of sound in Residential Areas of the City at all times. The location of the proposed event, the St. Lawrence College campus, located at 100 Portsmouth Avenue, is located in a Residential Area as defined by Schedule D of the Noise By-Law.

The applicant is planning to host an outdoor movie screening on September 7, 2021 between the hours of 9:00 p.m. and 11:00 p.m. as part of orientation activities for students. The movie screening is proposed to be held in the main parking lot on the north side of the campus, with attendees seated throughout the lot itself. Sound equipment is to be located in a grassy area in the centre of the parking lot, approximately 160 metres away from neighbouring residences on Country Club Drive and approximately 200 metres away from residences on Curtis Crescent.

The applicant has indicated that the event will comply with all public health regulations that may be in place at the time of the event. The granting of the temporary noise exemption does not supersede any regulations that may be in place at the time with regards to social events/gatherings.

Members of the public were provided an opportunity to provide comment on the noise exemption request. Advertisements in the Kingston Whig-Standard (Exhibit A) and a public notice on the City's website informed the public of the request. At the time of writing this report no public comments were received. Any public comments received after the writing of this report have been distributed to Council through the Council agenda and/or addendum as Communications.

Staff are recommending that the exemption request as detailed above be granted. The movie screening will be held in a location that is sufficient distance from neighbouring residential properties.

**Existing Policy/By-Law:**

Council may grant exemptions to By-Law Number 2004-52 "A By-Law to Regulate Noise". The authority to approve noise exemptions is specifically granted to Council under Subsection 129 (b) of the *Municipal Act*.

**Notice Provisions:**

The *Municipal Act* no longer requires public notification of noise exemption requests, but notice is given in order to provide Council with community feedback before deciding on these requests. An advertisement of this request for exemption was placed in the Kingston Whig-Standard on

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July 13, 2021 and was posted on the City's website. The advertisement stated that anyone wishing to object to the exemption should deliver their concerns in writing or by email to the Licensing & Enforcement Division by 4:30 p.m. on July 23, 2021. A copy of the advertisement is attached this report as Exhibit A.

**Accessibility Considerations:**

None

**Financial Considerations:**

The applicant for a noise exemption is required to pay a fee of \$318.25 to help cover the cost of processing the noise exemption request. The applicant is also required to pay the cost of public notice published in the Kingston Whig-Standard.

**Contacts:**

Kyle Compeau, Manager, Licensing & Enforcement, 613-546-4291 extension 1343

Derek Ochej, Licensing & Enforcement Coordinator, 613-546-4291 extension 1385

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

Exhibit A      Public Notification of Application for Noise Exemption

Request for Temporary Noise Exemption – St. Lawrence College

Requested Noise By-law exemption would allow amplified sound at St. Lawrence College (100 Portsmouth Avenue) between the hours of 9:00 p.m. and 11:00 p.m. on Tuesday Sep. 7, 2021.

This matter will be considered during the regular Council meeting that commences at 7:00 p.m. on Tuesday August 10, 2021.

For details, go to [cityofkingston.ca/news](http://cityofkingston.ca/news) or email Derek Ochej, [dochej@cityofkingston.ca](mailto:dochej@cityofkingston.ca).

Deadline to submit comment to this exemption request is 4:30 p.m. July 23, 2021.