



**City of Kingston
Report to Council
Report Number 21-223**

To: Mayor and Members of Council
From: Paige Agnew, Commissioner, Community Services
Resource Staff: Lisa Capener-Hunt, Director, Building & Enforcement
Date of Meeting: September 7, 2021
Subject: Request for Temporary Noise Exemption – Queen’s University
Society of Graduate and Professional Students

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

The Queen’s University Society of Graduate and Professional Students (SGPS) 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 during student orientation events from 4:30 p.m. to 6:30 p.m. on September 23, 2021 and from 7:00 p.m. to 10:00 p.m. on September 25, 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 August 17, 2021 (Exhibit B) 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 items of correspondence have been received at the time of writing this report.

Recommendation:

That the Queen’s University Society of Graduate and Professional Students (SGPS) be granted an exemption to 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 trivia and social event at Summer Hill from 4:30 p.m. to 6:30 p.m. on September 23, 2021; and

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That the Queen's University Society of Graduate and Professional Students (SGPS) be granted an exemption to 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 Nixon Field from 7:00 p.m. to 10:00 p.m. on September 25, 2021.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Community Services**

ORIGINAL SIGNED BY CHIEF
ADMINISTRATIVE OFFICER

**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 events, Nixon Field and Summer Hill are both located on the Queen's University Main Campus, which is in a Residential Area as defined by Schedule D of the Noise By-Law.

The applicant requires a noise exemption for activities planned as part of student orientation for the 2021-2022 academic year. The first event is to be an outdoor trivia and social event to be held on Thursday September 23, 2021 from 4:30 p.m. to 6:30 p.m. at Summer Hill. The second event is an outdoor movie screening to be held on Saturday September 25, 2021 from 7:00 p.m. to 10:00 p.m. at Nixon Field. Both events require the use of amplified sound for voice and movie audio.

The two events subject to this request are for graduate and professional students; a separate noise exemption for undergraduate student events was approved by Council on August 10, 2021 via [Report Number 21-199](#).

The applicant has indicated that the events will comply with all public health regulations that may be in place at the time of the events. Events will require pre-registration for attendees, limited to graduate and professional students, with attendance capped at 100 participants per event. Social distancing will be enforced at the events and no alcohol will be served. Additional details about the events can be found in Exhibit A.

Members of the public were provided an opportunity to comment on the noise exemption request. Advertisements in the Kingston Whig-Standard (Exhibit B) 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 have been received.

Staff are recommending that the exemption request as detailed above be granted. The location of the events on the Queen's University campus and the moderate level of sound required for the events will ensure that the use of amplified sound causes minimal or no disturbance to neighbouring properties. The applicant has also provided details of event logistics that will ensure capacity is limited and social distancing will be enforced.

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*.

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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 August 17, 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 August 27, 2021. A copy of the advertisement is attached this report as Exhibit B.

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

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Correspondence from Applicant

Exhibit B Public Notification of Application for Noise Exemption



Mr. Kyle Compeau
Manager, Licensing & Enforcement
City of Kingston

Aug. 10, 2021

Dear Mr. Compeau:

The Society of Graduate and Professional Students (SGPS) at Queen's University is the representative student government for graduate and professional students at Queen's. Our members include students studying at the masters and doctoral levels, as well as in professional programs, such as law, medicine, and education.

As part of our planned orientation and welcome activities for new graduate and professional students, we are planning to host two events on campus that require the use of amplified sound:

1. **Speed-friending and Trivia event:** September 23, 2021, from 4:30-6:30 pm; background music would be played at a reasonable volume and an event host would use a sound system to ask trivia questions and provide instructions for people during speed-friending.
2. **Movie night:** September 25, 2021 from 7 pm-10 pm. This event will see us project a movie onto a screen with (reasonably) amplified sound.

Both of these events, including their planned COVID-19 protocols, have been approved by the university's Campus Activity Restart Advisory Group. This group is also helping us to find a location for these events on the main campus of Queen's University within close proximity to the John Deutsch University Centre. The events are being organized to ensure we are being responsible given the ongoing pandemic. The events will be capped at 100 participants who will have to register beforehand. Movement will be restricted to one outdoor location on campus, and social distancing will be practiced. No alcohol will be allowed. These events will also be restricted to SGPS members. We will have multiple hand sanitization stations on location, and at least four trained volunteers will be on site to ensure everyone's safety. Everyone who attends will also have to go through COVID symptom screening prior to attending the events.

We would like to request an exemption from the City of Kingston's noise control bylaw for both of the events. We are happy to provide any additional information you require.

Thank you for your consideration,

Anthony Lomax
VP Community, Society of Graduate and Professional Students
vp.community@sgps.ca

Noise Exemption Request: Queen's University Society of Graduate and Professional Students

August 17, 2021

An application has been made by the Queen's University Society of Graduate and Professional Students for a temporary exemption to Noise Control By-law 2004-52 Schedule "B" Activity 4 to permit the playing of amplified sound at following times:

- between the hours of 4:30 p.m. to 6:30 p.m. on Thursday September 23, 2021 for an outdoor trivia and social event to be held on the Queen's Main Campus; and
- between the hours of 7:00 p.m. to 10:00 p.m. on Saturday September 25, 2021 for an outdoor movie screening to be held on the Queen's Main Campus.

The Noise By-Law prohibits the playing of amplified sound at any time in Residential Areas.

Anyone wishing to comment regarding this application for a temporary noise exemption should deliver their concerns in writing or by email before 4:30 p.m. on August 27, 2021 to:

City of Kingston
Kyle Compeau, Licensing & Enforcement
1211 John Counter Blvd.
Kingston, ON K7K 6C7

Phone: 613-546-4291 ext. 1343
Email: kcompeau@cityofkingston.ca

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