



**City of Kingston  
Report to Council  
Report Number 24-011**

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**To:** Mayor and Members of Council  
**From:** Paige Agnew, Commissioner, Growth & Development Services  
**Resource Staff:** None  
**Date of Meeting:** February 20, 2024  
**Subject:** Request for Delegated Authority – Noise By-Law

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**Council Strategic Plan Alignment:**

Theme: Policies & by-laws

Goal: See above

**Executive Summary:**

The purpose of this report is to request Council to delegate authority to the Director of Licensing and Enforcement Services to approve Amplified Sound noise exemptions. These exemptions would, under the current Noise By-Law, require Council approval, a process which can take up to eight weeks, at a cost of over \$350.00 to the applicant.

Staff have seen the volume of residential noise exemption requests rise as many residents have recommenced small gatherings in private settings, such as their own backyards, or in smaller neighbourhood/community events.

This delegation of authority would dramatically streamline the approval process for awarding an Amplified Sound noise exemption, saving significant staff resources and Council time. If approved, there would remain an option for these requests to be presented to Council, at the discretion of the Director of Licensing and Enforcement, if the nature and timing of the event would have a significant community impact.

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**Recommendation:**

**That** By-Law Number 2004-52 “A By-Law to Regulate Noise”, as amended, be further as amended as per Exhibit A to Report Number 24-011, to allow delegated authority to the Director of Licensing & Enforcement for Amplified Sound noise exemptions; and

**That** By-Law Number 2016-189 “A By-Law to Consolidate the Delegation of Powers and Duties”, as amended, be further as amended as per Exhibit B to Report Number 24-011, to include delegated authority to the Director of Licensing & Enforcement or their designate for amplified noise exemptions; and

**That** By-Law Number 2005-10 “A By-Law to Establish Fees and Charges to Be Collected by The Corporation Of The City Of Kingston”, as amended, be further amended as per Exhibit C to Report Number 24-011, to establish fees for additional types of noise exemptions.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

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**Paige Agnew, Commissioner,  
Growth & Development 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:**

Jennifer Campbell, Commissioner, Community Services

Neil Carbone, Commissioner, Corporate Services Not required

David Fell, President & CEO, Utilities Kingston Not required

Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives Not required

Brad Joyce, Commissioner, Infrastructure, Transportation  
& Emergency Services Not required

Desirée Kennedy, Chief Financial Officer & City Treasurer Not required

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**Options/Discussion:****Background**

City of Kingston Noise By-Law Number 2004-52 defines two distinct regulated areas within the City of Kingston regarding Amplified Sound - a map located in "[Schedule D](#)" of the by-law illustrates these two areas.

In "residential areas", amplification of sound is always prohibited. Members of the community that live in these designated areas are required to keep their music to a minimum, and if the music can be heard from one premise to another, it could be considered a violation.

In "other areas", amplification of sound is allowed up until 11:00 p.m., seven days a week. There are requirements that music cannot start until 7:00 a.m. each day of the week, except for Sunday which begins at 9:00 a.m. These areas are mostly zoned commercial throughout the city, along with the Downtown Kingston Business Improvement Area.

The City of Kingston's Noise By-Law Sections 3.6 and 3.7 currently delegates authority over specific construction-related exemption applications to the City's Manager of Licensing and Enforcement:

**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.

Since the emergence from post-COVID-19 regulations, City staff have seen an increase in requests for residential Amplified Sound noise exemptions. Examples of such are primarily small outdoor family events (gatherings/weddings) held in private homes. In 2023, staff received 24 requests for noise exemptions through the city website. Of those 24, only five reports have been submitted to Council with applicants following through on the process. An additional five exemptions were submitted to staff as re-occurring exemptions (i.e. Queen's Orientation, Richardson Stadium).

For members of the public who are seeking a noise exemption in a "residential area", the process can be onerous, taking a minimum of eight weeks to get a report to Council and costing \$347.80 for permit plus publication costs. This eight-week timeframe is constituted of staff time to write a Report to Council, as well as allowing for the public display/publication of a notice

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regarding the event and a requisite period for responses/concerns to be received from the public.

Given this administrative process, staff are seeing a trend where this noise exemption process is being circumvented – rather than undertaking a prolonged and costly process to seek permission for an event, they are instead choosing to risk the receipt of a penalty notice, which for an amplified sound infraction costs \$200. Given the general nature of these events (small gatherings), applicants requesting an exemption are usually doing so outside of the required timeframe, creating an administrative burden on staff who do not have enough time to prepare a request to council for the applicant to make their event timeline.

### **Municipal Comparison**

In a jurisdictional scan of other municipalities (Exhibit D), 10 cities have been identified as having non-council delegation clauses in their noise by-laws. The specifics of the delegation clauses vary from city to city, with differences being found in:

- Public and Councillor notification requirements; and
- Nature of noise exemption delegated.

### **Special Events**

The City of Kingston has a variety of arenas, sports fields, meeting rooms, community halls and other facilities available for use by individuals, groups, and organizations. Members of the public are allowed to apply for use of these public facilities through a booking system administered by the Recreation and Leisure Services Department. These events can vary in terms of size and type of request, and often request the use of an amplified sound device, which necessitates the need for event organizers to go through the formal noise exemption process.

Staff in Recreation and Leisure Services report similar examples of situations where individuals or groups would like to book City facilities on short notice, without understanding that they would have to still have to obtain approval from Council for a noise exemption. Most organizers either decide not to use amplified sound or cancel their request and find another location. Delegation of authority for amplified sound exemptions will smooth the processes for approval of these events in City facilities.

### **Recommended Process**

Considering the history of requests to the City for noise exemptions, as well as what other municipalities are doing, staff are recommending the delegation of authority to authorize Amplified Sound noise exemptions of a minor nature to the Director of Licensing and Enforcement. Amplified Sound noise requests of an other-than-minor nature (i.e. multiple days, significant potential community effect, affecting public property, large number of participants, etc.) would continue to be brought to Council for approval.

Applications for amplified noise exemptions would require the following:

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- Complete application submitted at least 14 days ahead of the event;
- The name and address of the applicant(s);
- Point of contact for the event (if different);
- A description of the source of sound or vibration in respect of which exemption is being sought;
- The period of time for which the exemption is sought;
- The reasons why the exemption is being sought;
- The application fee; and
- Posting on the City's website for a 5-business day period, to elicit any public comments about the proposed noise exemption.

In considering the completed application for any amplified noise exemption, the Director will take into account the following:

- The Director shall consult with the affected District Councillor on an application for an exemption and the consultation shall include any terms and conditions that may be attached to an exemption;
- The prior event history, as well as previous By-Law interactions with the applicant(s) and the property at issue;
- The proximity of the sound to a Residential Area and the likelihood that the sound for which an exemption is requested may negatively affect persons in a Residential Area;
- Whether any negative impacts can be reduced with the use of mitigation measures including limiting the sound to certain days or times of the day; and
- Any comments received during the public consultation period.

In an effort to promote compliance, staff are also recommending that the fee for amplified noise exemption requests be reduced to \$100 per event. This fee would be for cost recovery on staff time to review all requirements of the noise exemption and would be 50% of the possible penalty an applicant could receive for contravention of the Amplified Sound noise sections of the Noise By-Law.

**Existing Policy/By-Law:**

[City of Kingston Bylaw Number 2004-52, "A By-Law to Regulate Noise"](#)

[City of Kingston Bylaw Number 2016-189, "A By-Law to Consolidate the Delegation of Powers and Duties"](#).

[City of Kingston Bylaw Number 2005-10, "A Bylaw To Establish Fees Collected By The Corporation Of The City Of Kingston"](#).

**Notice Provisions:**

None

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**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

Kyle Compeau, Manager, Enforcement Services, 613-546-4291 extension 1343

**Other City of Kingston Staff Consulted:**

Tony Gargaro, Manager, Recreation and Leisure Services

**Exhibits Attached:**

- Exhibit A     Amendment to City of Kingston By-Law 2004-52, "A By-Law to Regulate Noise"
- Exhibit B     Amendment to City of Kingston, Bylaw 2016-189, "A By-Law to Consolidate the Delegation of Powers and Duties"
- Exhibit C     Amendment to City of Kingston By-Law 2005-10, "A By-Law to Establish Fees and Charges to be collected by the Corporation of the City of Kingston".
- Exhibit D     Jurisdictional Scan

# City of Kingston By-Law Number 2024–...

## *By-Law to Amend City of Kingston By-Law Number 2004–52, A By-Law to Regulate Noise*

### **Whereas:**

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act*, 2001, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act*, 2001, s. 5 (3)).

A single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act*, 2001, s. 10 (1)).

On March 2, 2004, council for the *City* passed *City of Kingston By-Law Number 2004–52*, “*A By-Law to Regulate Noise*”.

Council for the *City* (“**council**”) considers it necessary and desirable for the public to amend *City of Kingston By-Law Number 2004-52*.

**Therefore**, *council* enacts:

### **1. Amendment**

1.1 *City of Kingston By-Law Number 2004–52* is amended as follows:

- (a) Section 1 is amended by adding the following definition in alphabetical order:

“**Director**” means the Director of the Licensing and Enforcement Department and includes the Director’s designate or, in the event of organizational changes, the director of the successor division or department responsible for the administration of this by-law;



*By-Law to Amend By-Law 2004–52*

- (b) Section 1 is amended by deleting the following definitions in their entirety:

**“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.

- (c) Section 3.1 is deleted in its entirety and replaced with:

The Director is responsible for the administration of this By-Law.

- (d) Section 3.8 is deleted in its entirety and replaced with:

Notwithstanding sections 3.3 and 3.4, the Director, or his or her designate, has delegated authority to approve an application for exemption from the noise prohibitions listed in section 4 of Schedule B of this by-law to permit the amplification of sound.

- (e) Section 3.9 is deleted in its entirety and replaced with:

Exemptions approved by the Director shall be in effect for the dates specified, and the Director may impose any conditions that he or she considers appropriate.

- (f) Section 3.10 is added to state:

An exemption approved by the Director shall be invalid if these conditions are contravened.

## **2. Coming into Force**

- 2.1 This by-law will come into force and take effect on the day it is passed.

*By-Law to Amend By-Law 2004–52*

1 <sup>st</sup> Reading	date
2 <sup>nd</sup> Reading	date
3 <sup>rd</sup> Reading	date
Passed	date

Janet Jaynes  
City Clerk

Bryan Paterson  
Mayor

# City of Kingston By-Law Number 2024–...

## ***By-Law to Amend City of Kingston By-Law Number 2016-189, A By-Law to Consolidate the Delegation of Powers and Duties***

### **Whereas:**

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act, 2001*, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act, 2001*, s. 5 (3)).

A single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act, 2001*, s. 10 (1)).

On date, council for the *City* passed *City of Kingston By-Law Number 2016–189, “A By-Law to Consolidate the Delegation of Powers and Duties”*.

Council for the *City* (“**council**”) considers it necessary and desirable for the public to amend *City of Kingston By-Law Number 2016–189*.

**Therefore**, *council* enacts:

### **1. Amendment**

1.1 *City of Kingston By-Law Number 2016–189* is amended as follows:

- (a) Schedule A is amended by adding the following delegation in alphabetical order:

<b>Delegate</b>	<b>Delegated Authority Description</b>	<b>Enabling By-Law or Council Motion/Resolution</b>
Director of Licensing and	Authority to approve noise exemptions for amplified	By-Law 2024-xx

*By-Law to Amend By-Law 2016–189*

Enforcement or their designate	sound	
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**2. Coming into Force**

2.1 This by-law will come into force and take effect on the day it is passed.

1 <sup>st</sup> Reading	date
2 <sup>nd</sup> Reading	date
3 <sup>rd</sup> Reading	date
Passed	date

Janet Jaynes  
City Clerk

Bryan Paterson  
Mayor

# City of Kingston By-Law Number 2024–...

## ***By-Law to Amend City of Kingston By-Law Number 2005-10, A By-Law to Establish Fees And Charges To Be Collected By The Corporation Of The City Of Kingston***

### **Whereas:**

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act, 2001*, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act, 2001*, s. 5 (3)).

A single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act, 2001*, s. 10 (1)).

On date, council for the *City* passed *City of Kingston By-Law Number 2005–10*, “*A By-Law to Establish Fees And Charges To Be Collected By The Corporation Of The City Of Kingston*”.

Council for the *City* (“**council**”) considers it necessary and desirable for the public to amend *City of Kingston By-Law Number 2005–10*.

### **Therefore, council enacts:**

#### **1. Amendment**

1.1 *City of Kingston By-Law Number 2005–10* is amended as follows:

- (a) Schedule S “Noise Exemption” is deleted in its entirety and replaced with:

#### **Noise Exemption**

Fees listed in the table below are HST (Harmonized Sales Tax) exempt.

*By-Law to Amend By-Law 2005–10*

<b>Fee Description</b>	<b>Unit</b>	<b>Fee</b>
Application for noise exemption (Delegated Authority)	Each	\$100.00
Re-application for noise exemption (Delegated Authority)	Each	\$60.00
Application for noise exemption (Council authority)	Each	\$347.80
Re-application for noise exemption (Council authority)	Each	\$218.35

**2. Coming into Force**

2.1 This by-law will come into force and take effect on the day it is passed.

1<sup>st</sup> Reading            date

2<sup>nd</sup> Reading            date

3<sup>rd</sup> Reading            date

Passed                date

Janet Jaynes  
City Clerk

Bryan Paterson  
Mayor

**Jurisdictional Scan – Noise Exemption Authorities**

<b>Municipality</b>	<b>Noise By-Law URL</b>	<b>Are there any delegations? If so, to whom and what are they?</b>
Kingston	<a href="https://www.cityofkingston.ca/documents/10180/16904/Noise%20Bylaw">https://www.cityofkingston.ca/documents/10180/16904/Noise%20Bylaw</a>	Yes – Manager of Licensing and Enforcement may authorize time extensions to the Noise By-Law for specific construction activities.
Ottawa	<a href="https://ottawa.ca/en/living-ottawa/laws-licences-and-permits/laws/laws-z/noise-law-no-2017-255#section-9de41796-47a5-43fc-b5f8-764ab9a32c54">https://ottawa.ca/en/living-ottawa/laws-licences-and-permits/laws/laws-z/noise-law-no-2017-255#section-9de41796-47a5-43fc-b5f8-764ab9a32c54</a>	Yes - Manager of By-law & Regulatory Services may issue noise exemptions for City Construction Projects with certain noise limits, public & Councillor notification.
Mississauga	<a href="https://www.mississauga.ca/wp-content/uploads/2024/01/Noise-Control-By-law-0360-1979.pdf">https://www.mississauga.ca/wp-content/uploads/2024/01/Noise-Control-By-law-0360-1979.pdf</a>	Yes - Commissioner of Transportation and Works may issue general noise exemptions with public & Councillor notification.
Brampton	<a href="https://www.brampton.ca/en/city-hall/bylaws/all%20bylaws/noise.pdf">https://www.brampton.ca/en/city-hall/bylaws/all%20bylaws/noise.pdf</a>	Yes - Chief of Planning and Infrastructure Services may issue general noise exemptions with public notification.
London	<a href="https://london.ca/by-laws/sound-law-pw-12">https://london.ca/by-laws/sound-law-pw-12</a>	Yes - Director, Municipal Compliance for the City may issue general noise exemptions.

<b>Municipality</b>	<b>Noise By-Law URL</b>	<b>Are there any delegations? If so, to whom and what are they?</b>
Markham	<a href="https://www.markham.ca/wps/wcm/connect/markham/de741ff6-5882-46c6-88e4-ab828fb9c9c1/2017-74-Consolidated.pdf?MOD=AJPERES&amp;amp;CONVERT_TO=url&amp;amp;CACHEID=ROOTWORKSPACE.Z18_2QD4H901OGV160QC8BLCRJ1001-de741ff6-5882-46c6-88e4-ab828fb9c9c1-o1dck5P">https://www.markham.ca/wps/wcm/connect/markham/de741ff6-5882-46c6-88e4-ab828fb9c9c1/2017-74-Consolidated.pdf?MOD=AJPERES&amp;amp;CONVERT_TO=url&amp;amp;CACHEID=ROOTWORKSPACE.Z18_2QD4H901OGV160QC8BLCRJ1001-de741ff6-5882-46c6-88e4-ab828fb9c9c1-o1dck5P</a>	Yes - Clerk of the Corporation of the City of Markham may issue noise exemptions for specific types of noise (both construction and otherwise).
Vaughan	<a href="https://www.vaughan.ca/sites/default/files/2023-03/121-2021%20%28Consolidated%29.pdf?file-verison=1680220800102">https://www.vaughan.ca/sites/default/files/2023-03/121-2021%20%28Consolidated%29.pdf?file-verison=1680220800102</a>	Yes - The Director of Enforcement may issue noise exemptions for specific types of noise (both construction and otherwise).
Burlington	<a href="https://www.burlington.ca/en/by-laws-and-animal-services/resources/By-laws/By-law-Search/019-2003-By-law.pdf">https://www.burlington.ca/en/by-laws-and-animal-services/resources/By-laws/By-law-Search/019-2003-By-law.pdf</a>	Yes - Chief Noise Control Officer may issue noise exemptions for construction-related activities if unable to get to Council prior to the undertaking of the activity.
Greater Sudbury	<a href="https://www.greatersudbury.ca/city-hall/by-laws/by-law-2018-29/">https://www.greatersudbury.ca/city-hall/by-laws/by-law-2018-29/</a>	Yes - Manager, Security and By-law Services may issue general noise exemptions.
Whitby	<a href="https://www.whitby.ca/Modules/Bylaws/Bylaw/Download/8a5fdefc-b76d-4bb5-b877-eb21de8bd13d">https://www.whitby.ca/Modules/Bylaws/Bylaw/Download/8a5fdefc-b76d-4bb5-b877-eb21de8bd13d</a>	Yes - Commissioner of Legal and Enforcement Services may issue general noise exemptions.



<b>Municipality</b>	<b>Noise By-Law URL</b>	<b>Are there any delegations? If so, to whom and what are they?</b>
Waterloo	<a href="https://www.waterloo.ca/en/living/noise-by-law.aspx">https://www.waterloo.ca/en/living/noise-by-law.aspx</a>	Yes - Designated Official may issue general noise exemptions.