



**City of Kingston
Report to Council
Report Number 24-198**

To: Mayor and Members of Council

From: Paige Agnew, Commissioner, Growth & Development Services

Resource Staff: Kyle Compeau, Manager, Enforcement Services

Date of Meeting: July 9, 2024

Subject: Request for Temporary Noise Exemption – Montreal Street at John Counter Boulevard Construction

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

The purpose of this report is to seek Council approval for a temporary noise exemption to permit construction activities outside the permitted times as outlined in the City of Kingston Noise By-Law Number 2004-52. This request is for the intersection of John Counter Boulevard and Montreal Street from August 6th to September 9th, including weekends. The exemption is necessary to facilitate the widening of traffic lanes to improve traffic flow in the area. This is a time-sensitive project.

Recommendation:

That Council approve a temporary noise exemption at the intersection of John Counter Boulevard and Montreal Street, Mondays to Fridays from 7 p.m. to 12 a.m., Saturdays from 7 p.m. to 9 p.m. and on Sundays from 9 a.m. to 9 p.m. from August 6, 2024 to September 9, 2024 to allow for construction work outside the currently permitted times as outlined in By-Law Number 2004-52, A By-Law to Regulate Noise within the City of Kingston.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

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

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services Not required

Neil Carbone, Commissioner, Corporate Services

David Fell, President & CEO, Utilities Kingston Not required

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

Brad Joyce, Commissioner, Infrastructure, Transportation
& Emergency Services

Desirée Kennedy, Chief Financial Officer & City Treasurer 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 Noise By-Law; Section 3.4 provides that Council may approve the exemption request and impose any conditions it deems appropriate.

Background

The City of Kingston has identified the need to widen traffic lanes at the intersection of John Counter Boulevard and Montreal Street. This project is critical to improving traffic flow and reducing congestion in this busy area. To expedite the project and minimize disruption to daily traffic, it is proposed that construction activities be allowed to occur outside the normally permitted times, including weekends.

Current Noise By-Law:

- Monday to Friday: 7:00 a.m. to 7:00 p.m.
- Saturday: 9:00 a.m. to 7:00 p.m.
- Sunday and statutory holidays: No construction activity allowed.

Proposed Exemption:

The proposed temporary noise exemption would allow construction activities to take place outside the current permitted times as follows:

- Monday to Friday: 7:00 p.m. to 12:00 a.m.
- Saturday: 7:00 p.m. to 9:00 p.m.
- Sunday: 9:00 a.m. to 9:00 p.m.

This exemption is requested from August 6th to September 9th.

Rationale:

1. **Minimizing Traffic Disruption:** The intersection is experiencing heavier-than-usual traffic congestion during the daytime hours due to closure of the La Salle Causeway. It is not advisable to perform traffic-impacting construction work during the day when congestion is heavy, and driver patience is being tested. Allowing traffic-impacting construction activities during off-peak hours, including evening and weekends, will significantly reduce the impact on daily traffic and local businesses.
2. **Project Timelines:** The exemption will enable the project to be completed within a shorter timeframe, ensuring the benefits of improved traffic flow are realized sooner with improvement to traffic flow for the start of the new school year in September.

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3. **Safety Considerations:** Working during off-peak hours can reduce safety risks and driver frustration associated with heavy traffic and provide a safer environment for construction workers.

Community Impact:

The proposed exemption may result in increased noise levels during evenings and weekends. However, the following measures will be taken to mitigate the impact:

- Apply noise-reducing equipment where practical for construction activities;
- Provide advanced and continued notification to residents and businesses in the affected areas;
- Monitor regularly the noise levels to ensure compliance with acceptable limits.

Public Engagement

This project was added to the City website Get Involved Kingston in the Fall of 2023 to share information about the design and construction aspects of the Montreal Street at John Counter Blvd Intersection Improvements Project. The project is also identified on the City's Projects and Construction Map which is available to the public on the City's website.

In addition, City staff have been providing Council and adjacent properties with updates on the traffic impacts and the upcoming construction project. City staff will continue providing updates in advance and during this upcoming phase of construction.

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.

Financial Considerations:

The applicant for a noise exemption is required to pay a fee of \$347.80 to help cover the cost of processing the noise exemption request.

Contacts:

Kyle Compeau, Manager, Licensing & Enforcement 613-546-4291 extension 1343 Other City of Kingston

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Staff Consulted:

Dan Franco, Project Engineer, Major Projects Office

Exhibits Attached:

None