

**TOWN OF MINTO****DATE:** March 01, 2018**REPORT TO:** Mayor and Council**FROM:** Terry Kuipers, C.B.O**SUBJECT:** MTO Noise By-law Exemption Request

STRATEGIC PLAN:

9.4 Provide strong community development policies and practices that support a family friendly environment, attract family oriented businesses, and enhance Minto as a welcoming, attractive, and safe location. Include resident and business testimonials supporting the family image in publications.

BACKGROUND:

On February 6th, 2018, staff received a Noise By-law Exemption request from the Environmental Planner with the Ministry of Transportation. As Council is aware, the MTO is planning on reconstructing Highway 9 from Harriston to Clifford in 2018, and is proposing to tender the work in April.

The Town a Noise By-law prohibits certain noise emissions during specific periods of time. With respect to construction activities, the by-law prohibits construction activity from 9:00pm on one day to 7:00am on the following day (9:00am on Sundays). The By-law contains an exemption provisions that gives Council the authority to vary the By-law if a person applies for an exemption. Council has 3 options to address an exemption: To approve the exemption as proposed; to approve the exemption with conditions; or to refuse the exemption request.

The exemption request and the cover letter (attached to this report) submitted was to permit the road reconstruction to take place at night, in an effort to minimize the construction duration and to minimize traffic disruptions.

COMMENTS:

Staff looked at the location of the dwelling units along Highway 9, and many of them are located close to the highway, as little as 7.3m (24') from the edge of the asphalt. Road construct equipment can be very loud, from the exhausts, to safety equipment (back-up beepers), to the vibrations of the compaction equipment.

Highway 9, the 50m buffer would impact construction activities in front of 27 homes. Staff also felt that if written permission was obtained from the dwelling occupant, clearly indicating the occupiers consent to allow for the after hour construction activity to occur during specific days, this would also be acceptable.

FINANCIAL CONSIDERATIONS:

There are no financial considerations.

RECOMMENDATION:

That Council receives the Chief Building Official's report dated March 01, 2018 report titled MTO Noise By-law Exemption Request, and grant the contractors working on behalf of the Ministry of Transportation a conditional exemption between May 01, 2018 to October 31, 2018, with the following condition:

No construction activities are to take place between the hours of 9:00pm on one day to 7:00am on the next (9:00 on Sundays) within 50m of a dwelling unit unless specific written permission is granted by the occupier of the dwelling unit agreeing to the after hour construction activity to take place on specific calendar days, and such written permission obtained is to be submitted to the Town of Minto.

Terry Kuipers, C.B.C.O

