



The Corporation of the Town of Tecumseh

Corporate Services & Clerk

To: Mayor and Members of Council

From: Laura Moy, Director Corporate Services & Clerk

Date to Council: March 24, 2020

Report Number: CS-2020-08

Subject: Request for Noise By-Law Exemption – County of Essex
County Road 22 from Manning Road westerly to City of Windsor Limit

Recommendations

It is recommended:

That the Corporation of the County of Essex be granted an exemption from the Town's Emission of Sounds By-law No. 2002-07, as amended, for the three (3) month period commencing May 1, 2020 through to and including July 31, 2020, during the hours of 8:00 pm to 7:00 am to facilitate the improvement of the pavement condition of County Road 22 from Manning Road westerly to the City of Windsor border.

Background

The Corporation of the County of Essex (County), under correspondence from the Director of Infrastructure Services – County Engineer dated February 28, 2020 ([Attachment 1](#)), is requesting an exemption from the Town's Emission of Sounds By-law No. 2002-07, as amended (Noise By-law), to facilitate the improvement of the pavement condition of County Road 22 from Manning Road to the City of Windsor border. The exemption is requested for a three (3) month period commencing May 1, 2020 and ending July 31, 2020 inclusive.

Based on the County's correspondence, the main purpose for the exemption request is to expedite the improvements and minimize traffic delays requiring the successful bidder to work during early morning and late-night hours. The works are expected to take three weeks, sometime between May and July 2020.

The County is requesting an exemption from the Noise By-law for the purpose of supporting this construction activity and the related operation of heavy construction equipment. The

exemption is requested for the entire construction duration to allow the contractor flexibility in scheduling to complete improvements to the pavement. The proposed night-time construction activities related to these works **do not** include:

- Driving piles;
- Demolition hammers;
- Batch plant for material production; nor
- Material crushing plant.

Comments

The Noise By-law provides, under Table 4-1, Part 15, that sounds resulting from the operation of any equipment in connection with construction are prohibited between the hours of 8:00 pm and 7:00 am in all residential, agricultural and commercial areas.

Paragraph 6 of the by-law allows for persons to make application to Council for an exemption from the By-law's provisions with respect to any source of sound or vibration for which they may be prosecuted. By resolution, Council may grant the exemption, together with any additional terms or conditions deemed appropriate. The exemption from Council may not exceed six (6) months.

Council has approved requests for exemptions to the Noise By-law in prior years to help the progress of improvements to area highways. Concerns that may be expressed by area residents and/or property owners will be monitored.

In the event an extension to the granted exemption period becomes necessary, the County may submit a further request seeking a subsequent exemption.

Consultations

Public Works & Environmental Services

Financial Implications

There are no financial implications associated with this report.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Sue White
Administrative Assistant to Director Corporate
Services & Clerk

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Environmental Services

Reviewed by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

**Attachment
Number**

**Attachment
Name**

1

Letter from the County of Essex