



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: October 26, 2021

Report Number: CS-2021-28

Subject: Request for Noise By-Law Exemption
County of Essex for construction activities on County Road 42

Recommendations

It is recommended:

That Report CS-2021-28 entitled “Request for Noise By-Law Exemption – County of Essex for construction activities on County Road 42”, **be received**;

That the County of Essex **be granted** an exemption from the Town’s Emission of Sounds By-law No. 2002-07, as amended, commencing March 1, 2022 through to November 30, 2022 during the hours of 8:00 pm to 7:00 am to facilitate construction works on County Road 42 from County Road 19 to the City of Windsor border.

Background

The Corporation of the County of Essex (County), under correspondence from the Manager, Design and Construction, dated October 8, 2021 (**Attachment 1**), is requesting an exemption from the Town’s Emission of Sounds [By-law No. 2002-07](#), as amended (Noise By-law), to perform various construction operations including sewer and watermain improvements, as well as concrete and asphalt pavement on County Road 42 from County Road 19 to the City of Windsor limit.

The requested exemption does not apply to pile driving, coffer dam construction or crushing operations.

Based on the County's correspondence, the main purpose for the exemption is to minimize disruption to daytime traffic and commercial business operations for a period of ten (10) weeks sometime between March 1, 2022 and November 30, 2022.

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 the construction works.

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.

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 to 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 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:

Jennifer Alexander, MPA
Deputy Clerk & Manager Legislative Services

Reviewed by:

Laura Moy, Dipl. M.M.
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