

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 19, 2016

Item 17, Report No. 18, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 19, 2016.

**17 REQUEST FOR CONSTRUCTION NOISE EXEMPTION - MINISTRY OF TRANSPORTATION|
HIGHWAY 400 ROAD RESURFACING – WARDS 1 & 3**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Director of By-law & Compliance, Licensing & Permit Services, dated April 5, 2016, be approved, subject to replacing Recommendation 1. with the following recommendation as contained in Communication C2, memorandum from the Director of By-law & Compliance, Licensing & Permit Services, dated March 31, 2016:**

- 1. That the Ministry of Transportation be granted a noise exemption, in accordance with the City's Noise By-law #96-2006, as amended, for the purposes of pavement rehabilitation activities on Highway 400 from Langstaff Road to Major Mackenzie Drive for the period of April 19, 2016 to November 30, 2016.**

Recommendation

The Director of By-law & Compliance, Licensing & Permit Services, in consultation with the Deputy City Manager, Community Services recommends:

1. That the Ministry of Transportation, be granted a noise exemption, in accordance with the City's Noise By-law 96-2006, for the purposes of pavement rehabilitation activities on Highway 400 from Langstaff Road to Major Mackenzie Drive for the period of May 1, 2016 through November 30, 2016; and
2. That this request for extension be granted with the following conditions:
 - a) That construction communication notices be sent to surrounding residents and business owners within a 60 metre radius, in keeping with City standards, advising them of the impending work;
 - b) That the construction communication notices to residents and business owners include contact information for the Ministry of Transportation;
 - c) That the Contract Administrator monitor and investigate any complaints regarding construction noise;
 - d) That the Applicant take measures to minimize any unnecessary noise, including but not limited to idling of construction vehicles, unnecessary revving of engines, use of airbrakes, and to maintain equipment in good working order (including muffling devices) to minimize noise impacts; and
 - e) That no construction takes place on Sundays or Statutory Holidays.

Contribution to Sustainability

The initiatives outlined in the request for Noise Exemption for the purposes of pavement rehabilitation on Highway 400 contribute to the City's Community Sustainability Plan by supporting transportation infrastructure.

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Economic Impact

Adoption of this report has no adverse economic impact for the City.

Communications Plan

The Applicant has published a Notice of Study Commencement in the Vaughan Citizen on August 20, 2015 (Attachment No. 1). The Applicant has been instructed by the City to provide further notification of the commencement of construction in local Vaughan newspapers and in letter form to surrounding residents and businesses within a 60 metre radius that may be affected by the construction activities of this project.

Purpose

This report is to request Council approval of a request from the Ministry of Transportation for a noise exemption to By-law 96-2006.

Background - Analysis and Options

The City of Vaughan Noise By-law # 96-2006 prohibits noise created from the use of “construction equipment” as defined, between the hours of 7:00pm of one day to 7:00am the following day and on Sundays or statutory holidays.

Any noise created by construction activity during these prescribed hours requires an exemption to the provisions of the By-law. Exemption requests for construction noise are governed by the provisions of Section 19, Exemption – Construction.

The Ministry of Transportation has written to City of Vaughan By-law & Compliance, Licensing & Permit Services requesting an exemption to the City's Noise By-law from May 1, 2016 through November 30, 2016 for the purposes of construction in connection with rehabilitation and resurfacing roadwork project G.W.P. 2039-13-00 on Highway 400 from Langstaff Road to Major Mackenzie Drive.

The after-hours construction activities are requested in order to minimize impacts to surrounding vehicular traffic during the day.

The construction activities will include, but are not limited to, the use of the following equipment:

- Tandem trucks with back up horns – to haul material;
- Generators – to provide night-time lighting;
- Milling machines and sweepers;
- Asphalt paving machines;
- Other heavy equipment as required.

Noise Mitigation

The Applicant will be required to minimize idling of construction vehicles, avoid unnecessary revving of engines, use of airbrakes, as well as be required to maintain equipment in good working order (including the use of muffling devices) to minimize noise impacts.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

This noise exemption is directly related to the Term of Council Priority and Service Excellence Strategy Map by investing, renewing and managing infrastructure and assets.

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Regional Implications

The proposed work is being carried out by the Ministry of Transportation and its agents/contractors.

Conclusion

This request for a noise exemption pursuant to the City of Vaughan Noise By-law #96-2006 exceeds the delegated authority of the Director of By-law & Compliance, Licensing & Permit Services. Therefore, Council authorization for the exemption to the By-law is required to permit the Applicant to proceed with the required work as planned.

Staff believes that the road rehabilitation project is necessary municipal work and the request received for a noise exemption should be endorsed by Council pursuant to the recommendations set out in this report.

Attachments

1. Notice of Study Commencement
2. Ministry of Transportation Application Letter
3. Project Maps

Report prepared by:

Janice Heron,
Office Coordinator, By-law & Compliance, Licensing & Permit Services

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)