

STAFF REPORT: **Engineering & Public Works Department**



REPORT TO: **Council**
MEETING DATE: **October 13th 2010**
REPORT NO.: **EPW.10.094 (Revised October 12, 2010)**
SUBJECT: **Beaver River Bridge Rehabilitation –
Noise By-Law Exemption**
PREPARED BY: **Tom Gray, Engineering Design Technologist**

A. Recommendation

THAT Council approves an exemption to the Noise By-Law 2002-09 to permit construction activities to occur on the Beaver River Bridge during periods between 7:00 am and 7:00 pm on October 16th, October 23rd, October 30th, November 6th and November 13th, and

THAT Council delegate authority to the Director of Engineering and Public Works to approve an exemption to the Noise By-Law 2002-09 to permit construction activities to occur on the Beaver River Bridge during periods between 7:00 pm and 7:00 am for a period up to four (4) consecutive weekday nights as outlined in Report EPW.10.094 “Beaver River Bridge Rehabilitation – Noise By-Law Exemption”.

B. Background

The Beaver River Bridge Rehabilitation contract was awarded to Miller Paving with a construction completion date of November 1, 2010. The Contractor is about 1 week behind schedule. An early completion date is crucial in order to get asphalt placed on the deck surface prior to winter weather conditions. The Contractor wishes to work on Saturdays to attempt to bring the completion date back in line with critical time lines. It is not anticipated to be performing any jack-hammering activities on Saturdays but there will be large trucks and equipment with back-up alarms along with air compressors for cleaning surfaces.

In addition, there is a planned two (2) day full closure of the bridge scheduled for the week of October 25th to 29th. This week will be confirmed by the Contractor in the next week. Staff are seeking an exemption to the noise by-law for up to four (4) days during the workweek to accommodate for unforeseen weather or other delays. Since the Contractor is not certain of the exact days of full closure, Staff request that the authority to waive the Noise By-law be delegated to the Director of Engineering and Public Works for the night time exemption.

Section 2 (c) of the Noise by-law 2002-9, as amended states that:

The operation of construction vehicles or the act of construction between the hours of 19:00 hours of any weekday to 07:00 hours of the next weekday save and except Saturday from 08:00 hours to 13:00 hours which is likely to disturb the peace, quiet, comfort or repose of any other inhabitant within, or having quiet enjoyment of the lands upon which is located, any dwelling unit, apartment building, hotel, motel or any other type of residence, unless written permission to

specifically extend or alter the hereinbefore mentioned time periods has been given in writing by Council.

Signage will be erected a week in advance of the bridge closure, notifying the travelled public of the impending closure. Pedestrian traffic will be maintained at all times.

Notice of this Report has been provided to neighbouring property owners indicating that this matter will be considered by Council at its meeting of October 13. A response was received from the Mill Café objecting to the noise bylaw extension and asked that longer working hours be used instead. Staff had considered that as an option but feel that in order for working hours to be extended during the week, the Contractor will need to set up industrial work lights that may cause more disturbance than the construction activities extended from 1:00pm to 7:00pm on Saturday. There may also be added cost implications for night work. The majority of jack hammering and similarly noisy activities is already done, and work that will be completed during the noise exemption will consist primary of form setting, preparation and perhaps a concrete pour.

C. The Blue Mountains' Strategic Plan

This by-law amendment furthers the Town's Strategic Goal #2 "Addressing the Town's municipal infrastructure needs" and Strategic Goal #6 "Providing a strong well managed municipal government".

D. Environmental Impacts

There will be adverse noise impacts but is necessary to ensure completion prior to winter weather conditions.

E. Budget Impact

None.

F. Attached

1. Email of October 12, 2010 from Peter Butler, Mill Café.

Respectfully submitted,

Tom Gray
Tom Gray
Engineering Design Technologist

Reg Russwurm
Reg Russwurm
Director of Engineering & Public Works

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Reg Russwurm

From: Butler Peter [Peter.Butler@transcontinental.ca]
Sent: October-12-10 8:24 AM
To: Tom Gray
Cc: Reg Russwurm; 'carol@themillcafe.com'
Subject: By-Law Exemption

Tom:

Re:

REPORT NO.: EPW.10.094 (Revised October 8, 2010)
SUBJECT: Beaver River Bridge Rehabilitation – Noise
By-Law Exemption

I have received the above report. For the record, as an owner of the Mill Café, I object to this exception. Saturday is our key business day and we are already suffered irreparable financial damage from this project. We would prefer that the need be satisfied by working longer hours Monday through Thursday.

Regards

Peter J. Butler
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