

# **TORONTO** STAFF REPORT

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April 5, 2006

To: Planning and Transportation Committee

From: Lenna Bradburn, Executive Director, Municipal Licensing and Standards

Subject: Operation of Construction Equipment in Residential Neighbourhoods on Sundays and Statutory Holidays

Purpose:

To report back on possible amendments to the Noise By-law, which would limit the operation of construction equipment on Sundays and statutory holidays, in residential neighbourhoods.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) City Council amend Chapter 591, Noise, of the City of Toronto Municipal Code by adopting the proposed by-law provisions contained in Appendix A; and
- (2) The City Solicitor be directed to prepare the necessary bill, as required, to give effect to the recommendations contained in Appendix A, of this report.

Background:

On February 1, 2, and 3, 2005, Council received a report on a general prohibition of noise from the operation of construction equipment on Sundays and statutory holidays without amendment to the provisions of Chapter 591.

On February 13, 14 and 15, 2002, City Council considered a report concerning the harmonization of the Noise By-law. The report recommended that construction noise be prohibited on Sundays and statutory holidays. This suggestion was in keeping with Noise By-laws in the former cities of Etobicoke, North York and Scarborough and the Borough of East York. The former City of Toronto permitted construction noise after 9:00 a.m. on Sundays and statutory holidays.

Consideration of the report was deferred, pending a meeting between the Chairs of Economic Development and Parks, Planning and Transportation and Works Committees, and the Board of Health to resolve outstanding issues. On the matter of construction noise, the Chairs recommended:

“That Section 4 of the draft by-law be amended to prohibit sound resulting from the operation of Construction Equipment if clearly audible in a Quiet Zone or Residential Area from 7:00 p.m. one day to 7:00 a.m. the following day, 9:00 a.m. on Saturday, Sunday and Statutory holidays;”

This recommendation was adopted by City Council at its meeting of May 21, 22 and 23, 2002.

#### Comments:

Residential areas in the City are undergoing tremendous re-development. As a result, the quiet enjoyment of the residents is being compromised by noise created by construction and construction equipment. The By-law, as currently constructed, does not provide any reprieve from construction noise on any day, including Sundays and statutory holidays.

This report provides a regulatory option that may be implemented to further limit noise from construction equipment or construction in residential low-rise areas, which include detached and other single family dwellings; semi-detached, duplex and other two-family dwellings; town houses and other row housing; and any associated accessory buildings.

#### Proposed Amendments

The following are recommended to address the noise issues related to construction activities in residential neighbourhoods:

1. Specific prohibitions for the emission of sound resulting from the operation of construction equipment, or any construction be introduced with respect to a single-family dwelling or two-family dwelling, including any accessory buildings;

2. A prohibited period of 7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. on Saturdays, and all day Sunday and statutory holidays be introduced; and
3. The owner of land upon which construction equipment is being operated or any construction is taking place, be required to post and maintain a sign during the course of construction, setting out the time restrictions of the By-law; the name of the general contractor for the construction or other person responsible for the construction on the parcel of land; and the name and telephone number of an individual representative that persons may contact during all on-site working hours.

### Consultation

There has been significant input from the development and construction industry, in past consultations related to the Noise By-law, on the need to operate construction equipment on Sundays and statutory holidays. Construction groups advised that traffic control constraints sometimes necessitated the need to operate construction equipment on Sundays or statutory holidays. Others were concerned about 'hobbyists' who work on their own homes in residential areas on weekends.

Staff has advised and requested comments to these possible amendments from representatives of the construction industry, including Universal Workers Union- Local 183, the Crane Rental Association of Ontario, the Toronto Construction Association, The Greater Toronto Sewer and Watermain Contractors Association, the Greater Toronto Home Builders' Association, the Urban Development Institute, SS Wilson Associates, and Noise Watch. No comments have been received to date.

### Conclusions:

To better address the noise issues in residential neighbourhoods, Chapter 591, Noise, of the Toronto Municipal Code may be amended to introduce specific prohibitions for the emission of sound resulting from the operation of construction equipment or any construction, with respect to a single-family dwelling or two-family dwelling, including any accessory buildings.

The emission of noise would be prohibited during the period of 7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. on Saturdays, and all day Sunday and statutory holidays would be introduced.

The owner of land upon which construction equipment is being operated or any construction is taking place, would be required to post and maintain a sign during the course of construction to advise residents in the neighbourhood of the applicable time restrictions set out in the By-law. It would further identify the name of the general contractor for the construction or other person

responsible for the construction on the parcel of land and the name and telephone number of an individual representative that persons may contact during all on-site working hours.

Contact:

Frank Weinstock, Manager  
Policy and Business Planning Unit  
Municipal Licensing and Standards  
Tel: 416-392-0404  
Fax: 416-397-5463  
Email: fweinst@toronto.ca

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Lenna Bradburn  
Executive Director  
Municipal Licensing and Standards

List of Attachments:

Appendix A – Amendment to Chapter 519, Noise

**Appendix A**

Amend Chapter 519, Noise, of the Toronto Municipal Code by adding the following:

(1) Section 591-1C is amended by adding the following definition in alphabetical order:

RESIDENTIAL LOW-RISE AREA — Any property within the municipality that is zoned for residential uses by the applicable Zoning By-law and the permitted residential uses include one or more of the following uses: detached and other single family dwellings; semi-detached, duplex and other two family dwellings; and town houses and other row housing.

(2) Section 591-4 is amended by adding:

C. Residential low-rise area construction noise:

- (1) Despite § 591-4B, in a residential low-rise area no person shall emit or cause or permit the emission of sound resulting from any operation of construction equipment or any construction, if clearly audible at a point of reception in a quiet zone or residential area within the prohibited period of 7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. on Saturdays, and all day Sunday and statutory holidays.
- (2) The owner of property in a residential low-rise area upon which construction equipment is being operated or any construction is taking place shall post and maintain a sign in a prominent location on the property during the course of construction.
- (3) The sign shall be rectangular in shape with dimensions of not less than 42.5 centimetres high and 27.5 centimetres wide.
- (4) The sign shall indicate the following in lettering not less than 1.25 millimetres in height and in a colour that contrasts with the background of the sign:
  - (a) The restrictions in Subsection C(1) that apply to the operation of construction equipment and construction;
  - (b) The name of the general contractor for the construction or other person responsible for the construction on the property;
  - (c) The name and telephone number of an individual representative that persons may contact during all on-site working hours;

- (5) The telephone number listed on the sign shall be a number that does not result in a charge back fee on the telephone bill for the telephone service used to call the listed telephone number; and
- (6) If there is a change in the information displayed on the sign, the sign shall be revised to reflect the change within one week of the change.