

Chapter 591

NOISE

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Schedule A to Chapter 591,
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[**HISTORY: Adopted by the Council of the City of Toronto 2003-02-07 by By-law No. 111-2003.¹ Amendments noted where applicable.**]

GENERAL REFERENCES

False alarms — See Ch. 433.
Fees and charges — See Ch. 441.

Idling of vehicles and boats — See Ch. 517.
Noise in parks — See Ch. 608.

¹ Editor's Note: This by-law was passed under the authority of section 129 of the *Municipal Act, 2001*, S.O. 2001, c. 25. Section 2 of this by-law provided that, except for the purposes set out in Section 3 of this by-law, the following by-laws are repealed: By-law No. 71-89 of the former Borough of East York, as amended; Chapter 174, Noise, of the Municipal Code of the former City of Etobicoke; By-law Nos. 31857 and 31317 of the former City of North York, as amended; By-law Nos. 16575 and 24389 of the former City of Scarborough, as amended; Article I, Noise Restrictions Generally, of Chapter 241, Noise, of the Municipal Code of the former City of Toronto; and Chapter 895, Noise, and Chapter 896, Noise – Unusual – Likely to Disturb, of the Municipal Code of the former City of York. Section 3 of this by-law (as amended 2003-05-23 by By-law No. 458-2003, which came into force 2003-02-07) provided that, where a person is alleged to have contravened a by-law listed in Section 2 before the date this by-law comes into force, the by-law listed in Section 2 continues to apply for the purposes of any enforcement proceedings brought against the person until the proceedings have been concluded.

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ARTICLE I
Interpretation

§ 591-1. Interpretation.

- A. In this chapter, all the words which are of a technical nature shall have the meanings specified for them in Publication NPC-101 — “Technical Definitions.”
- B. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMISSIONER — The Commissioner of Urban Development Services or his or her designate.

CONSTRUCTION — Includes erection, alteration, repair, dismantling, demolition, structural maintenance, land clearing, earth-moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, application of concrete, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith.

CONSTRUCTION EQUIPMENT — Any equipment or device designed and intended for use in construction, or material handling, including but not limited to hand tools, power tools, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other material-handling equipment.

CONTINUOUS POURING OF CONCRETE — Slip-forming, deck pour or pre-pour operations that cannot be interrupted once the operations have commenced. [Added 2007-12-13 by By-law No. 1400-2007²]

CONVEYANCE — Includes a vehicle and any other device employed to transport a person or persons or goods from place to place, but does not include any such device or vehicle if operated within the premises of a person.

HIGHWAY — Includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of conveyances.

INHABITANTS — One or more persons who reside in the City.

² Editor's Note: This by-law came into force 2008-01-01.

LARGE CRANE WORK — The erection and dismantling of a crane or any other crane work that requires a road closure in order for the work to be started and finished. [Added 2007-12-13 by By-law No. 1400-2007³]

MOTOR VEHICLE — Includes an automobile, motorcycle, and any other vehicle propelled or driven other than by muscular power; but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*.⁴

NECESSARY MUNICIPAL WORK — City rehabilitation or maintenance processes using construction equipment that must be performed at times that minimize lane closures or lane reductions, or both, of City streets, or minimize use of the Toronto Transit Commission's subway or street car rights-of-way or any ancillary facilities associated with the transit system, including, but not limited to, the following: [Added 2007-12-13 by By-law No. 1400-2007⁵]

- A. Deck removal over an expressway or arterial roadway;
- B. Major intersection rehabilitation; and
- C. All Toronto Transit Commission work respecting the transit system, including any ancillary facilities.

NOISE — Unwanted sound.

PLACE OF WORSHIP — A building dedicated to religious worship and includes a church, synagogue, temple, mosque, monastery or convent.

POINT OF RECEPTION — Any point on the premises of a person where noise originating from other than those premises is received.

POWER DEVICE — Any powered device used in the servicing, maintenance or repair of property except devices driven by muscular power only and snow blowers.

PROPERTY — A building or structure or part of a building or structure, and includes the lands appurtenant thereto and all mobile homes, mobile buildings or mobile structures and vacant land.

PUBLICATION — A specified publication of the Ministry of the Environment which is listed in Schedule A at the end of this chapter.

³ Editor's Note: This by-law came into force 2008-01-01.

⁴ Editor's Note: See R.S.O. 1990, c. H.8.

⁵ Editor's Note: This by-law came into force 2008-01-01.

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REGULAR BUSINESS HOURS — 7:00 a.m. to 7:00 p.m. Monday to Friday, 9:00 a.m. to 7:00 p.m. Saturday, and excluding statutory holidays. **[Added 2007-12-13 by By-law No. 1400-2007⁶]**

STATIONARY SOURCE — A source of sound which does not normally move from place to place and includes the premises of a person as one stationary source, unless the dominant source of sound on those premises is construction or a conveyance.

C. Zones.

In this chapter, the following terms shall have the meanings indicated:

QUIET ZONE — Any property within the municipality used as a hospital, retirement home, nursing home, senior citizens residence, or other similar use.

RESIDENTIAL AREA — Any property within the municipality which is zoned for residential uses by an applicable zoning by-law or which is used in whole or in part for human habitation.⁷

D. A copy of every publication listed in Schedule A at the end of this chapter is attached to and forms part of this chapter.

ARTICLE II
General Provisions

§ 591-2. General prohibition.

No person shall make, cause or permit noise or vibration, at any time, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the City.

§ 591-2.1. Specific prohibitions.

[Added 2006-09-27 by By-law No. 964-2006]

A. Loudspeakers and other amplified sound projected on streets or public places.

- (1) No person shall emit or cause or permit the emission of sound resulting from the operation of any electronic device or a group of connected electronic devices incorporating one or more loudspeakers or other electro mechanical transducers, and intended for the production, reproduction or amplification of

⁶ Editor's Note: This by-law came into force 2008-01-01.

⁷ Editor's Note: The definition of "residential low-rise area," added 2006-06-29 by By-law No. 505-2006, which previously followed this definition, was repealed 2007-12-13 by By-law No. 1400-2007; said By-law No. 1400-2007 came into force 2008-01-01.

sound, that projects noise beyond the lot line of the property from which the noise emanates and into any street or public place.

- (2) Subsection A(1) does not apply to a security alarm, if the activation of the security alarm results in sound for a duration of not more than five minutes.

B. Construction. [Added 2007-12-13 by By-law No. 1400-2007⁸]

- (1) No person shall emit or cause or permit the emission of sound resulting from any operation of construction equipment or any construction, if it is clearly audible at a point of reception:
- (a) 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; or
 - (b) In any other area within the prohibited period of all day Sunday and statutory holidays.
- (2) Subsection B(1) does not apply to the continuous pouring of concrete, large crane work, necessary municipal work and emergency work that cannot be performed during regular business hours.

§ 591-3. Specific prohibitions (point of reception).

[Amended 2006-09-27 by By-law No. 964-2006]

No person shall emit or cause or permit the emission of sound resulting from an act listed below if the sound is clearly audible at a point of reception:

- A. Racing of any motor vehicle other than in a racing event regulated by law.
- B. The operation of a motor vehicle in such a way that the tires squeal.
- C. The operation of a vehicle, engine, motor, construction equipment, or pneumatic device without an effective exhaust, intake-muffling device or other sound attenuation device of a type specified by the manufacturer, which is in good working order, and in constant operation.
- D. The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.
- E. The operation of a vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.

⁸ Editor's Note: This by-law came into force 2008-01-01.

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§ 591-4. Prohibitions by time and place.

- A. No person shall emit or cause or permit the emission of sound resulting from any act listed in the table below if clearly audible at a point of reception located in a prescribed area of the municipality within a prohibited time shown for such an area.
- B. Prohibited periods of time.

The prohibited periods of time as described in the table below shall be as follows:

- (1) 7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.
- (2) 9:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.
- (3) 11:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.
- (4) 7:00 p.m. one day to 7:00 a.m. the next day, and all day Sunday and statutory holidays.
- (5) 9:00 p.m. one day to 7:00 a.m. the next day, and all day Sunday and statutory holidays.
- (6) 7:00 p.m. one day to 9:00 a.m. the next day; and all day Sunday and statutory holidays.
- (7) 7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. on Saturdays, Sundays, and statutory holidays.

TABLE — PROHIBITIONS BY TIME AND PLACE

Type of Act	Prohibited Period of Time ⁹	
	Quiet Zone	Residential Area
1. The operation of an engine or motor which is, is used in, or is intended for use in a toy or a model or replica of any device, which model or replica has no function other than amusement and which is not a conveyance.	At all times	B(2)

⁹ Editor's Note: The subsection designations in this column refer to the time periods set forth in § 591-4B.

TABLE — PROHIBITIONS BY TIME AND PLACE

Type of Act	Prohibited Period of Time ⁹	
	Quiet Zone	Residential Area
2. The operation of any electronic device or a group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound, other than a security alarm.	At all times	B(3)
3. The venting, release or pressure relief of air, steam or other gaseous material, products or compound from any autoclave, boiler pressure vessel, pipe, valve, machine, device or system, other than furnace vents.	At all times	B(3)
4. Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products or materials.	B(4)	B(3)
5. (Reserved) ¹⁰		
6. The operation of any power device.	B(1)	B(2)
7. Operation or use of any tool or device for domestic purposes, except power devices and snow blowers.	B(6)	B(2)
8. Activation of a security alarm resulting in sound for a duration in excess of 5 minutes.	At all times	At all times
9. Vehicle repairs.	At all times	B(5)
10. Playing of music.	At all times	B(3)

¹⁰ Editor's Note: Former No. 5, Operation of construction equipment, was repealed 2007-12-13 by By-law No. 1400-2007; said By-law No. 1400-2007 came into force 2008-01-01.

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TABLE — PROHIBITIONS BY TIME AND PLACE

Type of Act	Prohibited Period of Time ⁹	
	Quiet Zone	Residential Area
11. Persistent barking, calling or whining or other similar persistent noise-making by any animal kept or used for any purpose. [Added 2003-07-24 by By-law No. 693-2003]	At all times	At all times
12. Loading, unloading, delivering, packing, unpacking, or otherwise handling any animals, containers, products or materials at any abattoir. [Added 2003-09-25 by By-law No. 1008-2003]	B(2)	B(2)
C. (Reserved) ¹¹		

§ 591-5. General limitations on sound levels due to stationary sources.

- A. No person shall emit or cause or permit the emission of sound from a stationary source such that the level of sound from that source at a point of reception located in a quiet zone or residential area exceeds the applicable sound level limit prescribed in Publication NPC-205 — “Sound Level Limits for Stationary Sources in Class 1 and 2 Areas (Urban)”.
- B. Subsection A shall not apply to residential air-conditioning devices regulated under § 591-6. **[Amended 2003-05-23 by By-law No. 458-2003¹²]**

§ 591-6. Limitation on sound levels for residential air conditioners.

- A. No person shall emit or cause or permit the emission of sound from the operation of a residential air-conditioning device of a type referred to in Publication NPC-216 — “Residential Air Conditioning Devices” resulting in a sound level at a point of reception located in a quiet zone or residential area in excess of the applicable sound level limit set out in Publication NPC-216 — “Residential Air Conditioning Devices.”

¹¹ Editor’s Note: Former § 591-4C, Residential low-rise area construction noise, added 2006-06-29 by By-law No. 505-2006, amended 2006-09-27 by By-law No. 964-2006, was repealed 2007-12-13 by By-law No. 1400-2007; said By-law No. 1400-2007 came into force 2008-01-01.

¹² Editor’s Note: This by-law came into force 2003-02-07.

- B. No person shall emit or cause or permit the emission of any sound from any air-conditioning device of a type referred to in Publication NPC-216 — “Residential Air Conditioning Devices” unless one of the following applies:
- (1) The device was manufactured prior to January 1, 1979.
 - (2) The device bears a label affixed by the manufacturer or distributor which states the year of manufacture and that the device when new complied with the sound emission standard set out in Publication NPC-216 — “Residential Air Conditioning Devices,” as applicable to that type of device and date of manufacture.
 - (3) The owner, operator, manufacturer or distributor provides proof that the device when new complied with the sound emission standard set out in Publication NPC-216 — “Residential Air Conditioning Devices,” as applicable to that type of air conditioner and date of manufacture.

§ 591-7. Disturbing religious ceremony in a place of worship.

No person shall make, cause or permit the emission of sound that disturbs a religious ceremony in a place of worship.

§ 591-8. Most restrictive provision applies.

Where a source of sound is subject to more than one provision of this article, the most restrictive provision shall apply.

§ 591-9. Exemption; public safety and highways.

Despite any other provision of this chapter, it shall be lawful to emit or cause or permit the emission of sound in connection with measures undertaken for:

- A. The immediate health, safety or welfare of the inhabitants of the City under emergency circumstances.
- B. Any emergency requiring immediate action for the construction, preservation, restoration or demolition of any highway.

§ 591-10. Exemptions.

[Amended 2003-07-24 by By-law No. 693-2003]

- A. Any person may apply for a permit for an exemption from a noise prohibition or noise limitation provision in this chapter, in connection with an event or activity, by filing with the Commissioner the following:
 - (1) An application in the form prescribed by the Commissioner; and

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(2) The non-refundable application fee set out in Chapter 441, Fees and Charges.
[Amended 2006-12-06 by By-law No. 12-2007¹³]

- B. Upon receipt of an application under Subsection A, the Commissioner shall give written notice to the Councillor of any ward where the event or activity is to be held and, where the event or activity is to be held on a boundary street between wards, to the Councillors of the adjoining wards.
- C. The Commissioner shall issue a permit if all of the following conditions have been met:
- (1) All of the Councillors notified under Subsection B have either:
 - (a) Not responded within 14 days of the notice; or
 - (b) Responded indicating that they have no objection to the application being approved.
 - (2) The applicant has complied with all terms and conditions of approval of the last permit issued to them under this section, if any.
 - (3) The applicant has provided the following:
 - (a) The applicant's name, address, and telephone number;
 - (b) The date, time and location of the event or activity for which the permit is sought and, where applicable, the number of people expected to attend;
 - (c) The purpose for which the permit is required;
 - (d) The description of any sound or construction equipment to be used;
 - (e) The name, address and telephone number of at least one contact person who will supervise the event or activity; and
 - (f) A written undertaking that one or more contact persons responsible for supervising the event or activity will be on-site during the entire event or activity to ensure compliance with the terms and conditions of the permit.
 - (4) The applicant enters into a written agreement satisfactory to the Commissioner concerning compliance with the terms and conditions of the permit.
 - (5) The applicant has paid all required fees.

¹³ Editor's Note: This by-law came into force 2006-09-27.

- D. A permit issued under Subsection C shall be subject to the following terms and conditions:
- (1) The sound emitted from any equipment shall not exceed an equivalent sound level (Leq) of 85 dBA when measured 20 metres from the source over a five-minute period;
 - (2) Where the sound level exceeds 85 dBA, the applicant shall comply with any request made by an officer of the Toronto Police Service or a municipal standards officer of the Municipal Licensing and Standards Division with respect to the volume of sound from the equipment to ensure compliance with Subsection D(1);
 - (3) No sound or construction equipment other than the equipment approved under the permit shall be used by the applicant;
 - (4) The event or activity shall be restricted to the approved location; and
 - (5) The permission granted is for the date and times for the event or activity as set out in the permit.
- E. Where the Commissioner refuses to grant a permit under this section, the applicant shall be notified in writing and advised that they may appeal the Commissioner's decision to the community council which has jurisdiction for the location of the proposed event or activity by filing an appeal within 21 days of the date of the notice, along with the applicable fee as set out in Chapter 441, Fees and Charges, with the City Clerk at the address shown on the notice. **[Amended 2006-12-06 by By-law No. 12-2007¹⁴]**
- F. Notice of hearing shall be sent to all residents within 100 metres of the location where the event or activity is proposed to be held as shown on the last revised assessment rolls and at the applicant's expense.
- G. Where the location of the proposed event or activity under appeal falls on the boundary street of more than one community council, each affected community council shall provide its recommendations to Council for its consideration of the appeal under Subsection E. **[Amended 2007-03-06 by By-law No. 176-2007]**
- H. Council, or the community council under delegated authority, may issue or refuse a permit. **[Amended 2007-03-06 by By-law No. 176-2007]**
- I. If the community council under delegated authority or Council issues a permit, the permit is subject to the conditions set out in Subsection D, unless the community council under delegated authority or Council provides otherwise, and to any other conditions respecting health, safety and nuisance as the community council under

¹⁴ Editor's Note: This by-law came into force 2006-09-27.

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delegated authority or Council considers advisable. [**Amended 2007-03-06 by By-law No. 176-2007**]

- J. A community council under delegated authority or Council may require, as a condition of approval, that City staff monitor the sound levels resulting from the event or activity at the expense of the applicant. The charges payable to the City for this monitoring are set out in Chapter 441, Fees and Charges. [**Amended 2006-12-06 by By-law No. 12-2007¹⁵; 2007-03-06 by By-law No. 176-2007**]
- K. Despite anything contained in this section, where an application for a permit is made by the City or any of its agencies, boards or commissions:
- (1) The application shall be submitted directly to the Commissioner by the City department, agency, board or commission seeking the permit.
 - (2) The fees in Chapter 441, Fees and Charges, do not apply. [**Amended 2006-12-06 by By-law No. 12-2007¹⁶**]
 - (3) Subsections C(3)(e) and (f) do not apply.

§ 591-11. Offences.

Any person who contravenes any provision of this article is guilty of an offence.¹⁷

ARTICLE III
Railway Whistles
[**Added 2004-09-30 by By-law No. 795-2004**]

§ 591-12. Definitions.

As used in this article, the following abbreviations and terms shall have the meanings indicated:

CN — Canadian National Railway.

CP — Canadian Pacific Railway.

GO — Go Transit.

¹⁵ Editor's Note: This by-law came into force 2006-09-27.

¹⁶ Editor's Note: This by-law came into force 2006-09-27.

¹⁷ Editor's Note: This section was passed under the authority of section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, and, under section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, a person convicted of an offence under this section is liable to a fine of not more than \$5,000.

§ 591-13. Prohibited locations.

The use of the whistle on any railway equipment in respect of the highway crossings described in the following table is prohibited, except as otherwise provided in section 23.1 of the *Railway Safety Act*, R.S. 1985, c. 32 (4th Supp.):

No.	Railway	Subdivision, Branch or other Trackage	Mileage	Street Name
A.	Go	Uxbridge Subdivision	55.73	Sheppard Avenue East in the vicinity of the Agincourt Go Station
B. [Added 2004-10-28 by By-law No. 960- 2004]	Go	Uxbridge Subdivision	55.44	Marilyn Avenue in the vicinity of the Agincourt Go Station
C. [Added 2007-02-06 by By-law No. 36- 2007]	Go	Uxbridge Subdivision	60.19	Danforth Road west of Midland Avenue
D. [Added 2007-05-25 by By-law No. 532- 2007; amended 2007-06-22 by By-law No. 664- 2007]	Go	Uxbridge Subdivision	59.96	Corvette Avenue pedestrian crossing mile 59.96 Uxbridge Subdivision

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SCHEDULE A TO CHAPTER 591, PUBLICATIONS

Publications Forming Part of this Chapter

Publication Number	Name
Publication NPC-101	Technical Definitions
Publication NPC-102	Instrumentation
Publication NPC-103	Procedures
Publication NPC-104	Sound Level Adjustments
Publication NPC-205	Sound Level Limits for Stationary Sources in Class 1 and 2 Areas (Urban)
Publication NPC-206	Sound Levels Due to Road Traffic
Publication NPC-216	Residential Air Conditioning Devices