

Clause embodied in Report No. 3 of the Planning and Transportation Committee, which was before the Council of the City of Toronto at its meeting held on April 16, 17 and 18, 2002.

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Harmonization of the Noise By-law

(City Council on April 16, 17 and 18, 2002, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on May 21, 2002.)

(City Council on February 13, 14 and 15, 2002, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on April 16, 2002; and the Commissioners of Economic Development, Culture and Tourism, Urban Development Services and Works and Emergency Services, and the Medical Officer of Health were requested to gather all communications received in this regard and forward same to the Chairs of the Economic Development and Parks, Planning and Transportation and Works Committees, and the Board of Health, with a request that they meet to resolve outstanding issues and to consider the following motion:

Moved by Councillor Moscoe:

“That the Clause be amended in accordance with the following motion:

‘WHEREAS it is recognized that, from time to time, emergency situations develop which require that immediate action be taken by residents, City staff and other government agencies during odd hours; and

WHEREAS specific approval by Council prior to taking the action necessary to deal with the emergency would not be in the best interest of the community;

NOW THEREFORE BE IT RESOLVED THAT the Clause be amended by amending Section 8 of the draft noise by-law by deleting reference to Council approval so that Section 8 would now read as follows:

“8. Exemption: Public Safety and Highways

Notwithstanding 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:

(a) for the immediate health, safety or welfare of the inhabitants of the City under emergency circumstances; or

- (b) for any emergency requiring immediate action for the construction, preservation, restoration or demolition of any highway.” ’ ”)

(Clause No. 1 of Report No. 1 of The Planning and Transportation Committee)

(City Council on December 4, 5 and 6, 2001, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on February 13, 2002, subject to striking out and referring Recommendation No. (2)(a) embodied in the report dated November 5, 2001, from the Commissioner of Urban Development Services, as amended by the Planning and Transportation Committee, to the Commissioner of Economic Development, Culture and Tourism for report thereon directly to such meeting of Council:

- “(2)(a) Section 4 be amended to reflect the prohibited period of time for the operation of a power device that blows or vacuums leaves, grass cuttings, debris or other similar material as follows:
 - (i) at all times in Quiet Zones;
 - (ii) at all times on residential properties, except during the months of October and November for leaf removal;
 - (iii) between 6:00 p.m. and 8:00 a.m., Monday to Saturday, and at all times on Sunday on non-residential properties; and
 - (iv) on Smog Alert days;”.)

The Planning and Transportation Committee recommends that:

- (1) Recommendation (2) of the report (November 5, 2001) from the Commissioner of Urban Development Services be amended by:**
 - (a) deleting Recommendation 2(a) and substituting in lieu thereof the following:**
 - “(2)(a) Section 4 be amended to reflect the prohibited period of time for the operation of a power device that blows or vacuums leaves, grass cuttings, debris or other similar material as follows:**
 - (i) at all times in Quiet Zones;**
 - (ii) at all times on residential properties except during the months of October and November for leaf removal;**
 - (iii) between 6:00 p.m. and 8:00 a.m. Monday to Saturday and at all times on Sunday on non-residential properties; and**
 - (iv) on Smog Alert days;”;**

- (b) **deleting Recommendation 2(d) and substituting in lieu thereof the following:**

“2(d) that Section 8(a) and 8(b) of the draft by-law be amended to read:

“8. Exemption: Public Safety and Highways

Notwithstanding any other provision of this chapter, it shall be lawful for the City or any local board thereof, the Province of Ontario, the Government of Canada or any of their authorized agents, to emit or cause to permit the emission of sound in connection with measures undertaken:

- (a) **for the immediate health, safety or welfare of the inhabitants of the City under emergency circumstances, or as specifically approved by Council during hours not permitted by this By-law;**
- (b) **for any emergency requiring immediate action for the construction, preservation, restoration or demolition of any highway or as specifically approved by City Council during hours not permitted by this By-law;”**

- (c) **adding the following additional Recommendation 2(h):**

“2(h) that the appropriate section of the draft by-law be amended to provide for a prohibition against the disturbance of a religious ceremony in a place of worship;”

so that the following recommendations of the report in their entirety, as amended by the foregoing, be adopted:

- “(1) Recommendations (2) and (3) of the report from the Commissioner of Urban Development Services dated August 16, 2001, be adopted, namely:**

- (a) **Council endorse the enforcement strategy and fee structure as outlined in the report; and**
- (b) **Council request the Minister of the Environment to include sound emission standards for blowers or vacuums for grounds maintenance in Publication NPC-117, Domestic Outdoor Power Tools;**

- (2) **the draft by-law attached to the report referred to in Recommendation (1) be approved, subject to the following amendments:**

- (a) **Section 4 be amended to reflect the prohibited period of time for the operation of a power device that blows or vacuums leaves, grass cuttings, debris or other similar material as follows:**

- (i) at all times in Quiet Zones;
 - (ii) at all times on residential properties except during the months of October and November for leaf removal;
 - (iii) between 6:00 p.m. and 8:00 a.m. Monday to Saturday and at all times on Sunday on non-residential properties; and
 - (iv) on Smog Alert days;
- (b) the words “or vibration” be inserted after the word “noise” in Section 2;
 - (c) Section 4 be amended to reflect the prohibited period of time for the operation of construction equipment for quiet zones and any residential area to be from 7:00 p.m. one day to 7:00 a.m. the next day; 8:00 a.m. Saturday and all day Sunday and Statutory Holidays;
 - (d) Section 8(a) and 8(b) of the draft by-law be amended to read:

“8. Exemption: Public Safety and Highways

Notwithstanding any other provision of this chapter, it shall be lawful for the City or any local board thereof, the Province of Ontario, the Government of Canada or any of their authorized agents, to emit or cause to permit the emission of sound in connection with measures undertaken:

- (a) for the immediate health, safety or welfare of the inhabitants of the City under emergency circumstances, or as specifically approved by Council during hours not permitted by this By-law;
 - (b) for any emergency requiring immediate action for the construction, preservation, restoration or demolition of any highway or are specifically approved by City Council during hours not permitted by this By-law;”
- (e) Section 9E(1) of the by-law be amended to provide that the applicant shall, at his/her expense, cause a notice of the application to be published in a newspaper of general circulation within the municipality at least 14 days prior to the meeting of the Community Council at which the application will be considered, in the form approved by the Commissioner of Urban Development Services, and that the applicant be required to provide proof of such publication to the satisfaction of the Commissioner of Urban Development Services prior to the application being considered by Community Council;

- (f) **where the City or any of its Agencies, Boards or Commissions is required to make an application for an exemption, the filing fee and the requirement to publish a notice of the application be waived;**
 - (g) **notwithstanding Section 9 of the draft by-law, where an application for an exemption is being made by the City or any of its Agencies, Boards or Commissions, the application and report will be submitted directly to Community Council by the City Department, Agency, Board or Commission making the request;**
 - (h) **that the appropriate section of the draft by-law be amended to provide for a prohibition against the disturbance of a religious ceremony in a place of worship;**
- (3) **the City Solicitor be authorized to prepare and introduce in Council a bill substantially in the form of the draft by-law, as amended, and any other bill necessary to give effect to Council's decision; and**
 - (4) **once adopted by Council, that the City Solicitor make any necessary application to the Minister of the Environment for approval.”; and**
- (2) **the Commissioner of Urban Development Services be authorized to continue to hold discussions with cruise boat operators on noise levels emanating from the harbour.**

The Planning and Transportation Committee reports, for the information of Council, having requested that the following reports be submitted directly to Council for its next meeting on December 4, 2001:

- (1) the Commissioner of Urban Development Services, and, if applicable, the Commissioner of Works and Emergency Services and other appropriate staff to report on:
 - (a) an implementation plan to review work procedures, training requirements and to research new types of equipment and leaf removal methods;
 - (b) the lowering of the decibel level for air conditioners from 5 to a lower figure noting that the former City of Toronto's level was 2 decibels;
 - (c) a noise variance not being required for the demolition of single family dwellings provided that neighbours within a 100 metre radius are informed by the developer at least three days before the proposed demolition;
 - (d) tenders for the purchase of Parks and Recreation equipment to include conditions relating to noise and emission standards;
 - (e) the possibility of amending the Building Code or Zoning By-law to control the placement of air conditioners;

- (f) methods to better enforce the By-law including imposing a standard fine of \$1,000 to \$5,000; and
 - (g) the feasibility of enabling Noise By-law Officers to work a night shift;
- (2) the Commissioner of Works and Emergency Services to report on:
- (a) the recommendation that the City's residential streets not be swept before 7.00 a.m.; and
 - (b) noise amelioration measures that could be undertaken for highways, especially Highways 400, 401 and 404;
- (3) the Medical Officer of Health to report on research available on the health impact of road traffic noise.

The Planning and Transportation Committee submits the following report (November 5, 2001) from the Commissioner, Urban Development Services:

Purpose:

To report on the harmonization of the Noise By-law in relation to issues of concern expressed by Community Councils and the Board of Health.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) Recommendations 2 and 3 of the report from the Commissioner of Urban Development Services dated August 16, 2001, be adopted, namely:
 - (a) Council endorse the enforcement strategy and fee structure as outlined in the report; and
 - (b) Council request the Minister of the Environment to include sound emission standards for blowers or vacuums for grounds maintenance in Publication NPC-117, Domestic Outdoor Power Tools;
- (2) the draft by-law attached to the report referred to in Recommendation 1 be approved, subject to the following amendments:
 - (a) Section 4 be amended to reflect the prohibited period of time for the operation of a power device that blows or vacuums leaves, grass cutting, debris or other similar material in a residential area to be from 5:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Saturday and all day Sunday and Statutory Holidays;

- (b) the words “or vibration” be inserted after the word “noise” in Section 2;
 - (c) Section 4 be amended to reflect the prohibited period of time for the operation of construction equipment for quiet zones and any residential area to be from 7:00 p.m. one day to 7:00 a.m. the next day; 8:00 a.m. Saturday and all day Sunday and Statutory Holidays;
 - (d) Section 8(b) be amended to read as follows:
 - “(b) for any emergency requiring immediate action for the preservation, restoration or demolition of any highway.”;
 - (e) Section 9E(1) of the by-law be amended to provide that the applicant shall, at his/her expense, cause a notice of the application to be published in a newspaper of general circulation within the municipality at least 14 days prior to the meeting of the Community Council at which the application will be considered, in the form approved by the Commissioner of Urban Development Services, and that the applicant be required to provide proof of such publication to the satisfaction of the Commissioner of Urban Development Services prior to the application being considered by Community Council;
 - (f) where the City or any of its Agencies, Boards or Commissions is required to make an application for an exemption, the filing fee and the requirement to publish a notice of the application be waived;
 - (g) notwithstanding Section 9 of the draft by-law, where an application for an exemption is being made by the City or any of its Agencies, Boards or Commissions, the application and report will be submitted directly to Community Council by the City Department, Agency, Board or Commission making the request;
- (3) the City Solicitor be authorized to prepare and introduce in Council a bill substantially in the form of the draft by-law, as amended, and any other bill necessary to give effect to Council’s decision; and
- (4) once adopted by Council, that the City Solicitor make any necessary application to the Minister of the Environment for approval.

Background:

On September 11, 2001, the Planning and Transportation Committee considered a report from the Commissioner of Urban Development Services dated August 16, 2001, concerning the harmonization of the Noise By-law. The report was received and forwarded to Community Councils and the Board of Health for comment.

This report will deal with the issues of concern expressed by Community Councils and the Board of Health and offers our comments and recommendations on those concerns.

Comments:

Leaf Blowers:

A number of opinions have been expressed as to when sound emissions from blowers or vacuums should be permitted, if at all.

The Commissioner of Works and Emergency Services, in his report to Community Council, dated October 10, 2001, has recommended that City staff continue using leaf blowers but only during the hours of 7:00 a.m. to 5:00 p.m., Monday to Friday, and not at any time in quiet zones unless required for emergency operations.

We would continue to recommend that the use of these devices be prohibited in quiet zones at all times.

We would recommend that the time period proposed by the Commissioner of Works and Emergency Services be adopted for all residential areas as described in the by-law and further expanded to permit the use of the devices on Saturday between 9:00 a.m. and 5:00 p.m. This would permit those unable to use their blowers or vacuums on weekdays to do so on Saturday.

Air Conditioners:

In 1993, the Ministry of the Environment released a new sound emission standard in publication NPC-216 for the manufacturing and use of air conditioners in Ontario. This standard was developed after considerable consultation with the industry, consumer groups and other levels of government.

In addition to taking into account the background noise level, the standard applies sound level corrections to separate the sound level of the air conditioner from the background noise level, and where necessary applies penalties for tonal qualities (i.e. the whining tone often attributed to air conditioners) that may contribute to the noise factor.

Comments have been received suggesting the Committee adopt the standard in place in the former City of Toronto, or a new standard which only takes the sound level of the air conditioner into account.

Although the Noise By-law adopted by the former City of Toronto appears to be a more stringent standard, it does not officially take into account the separation of sound and the application of penalties for tonal qualities contributing to the sound level. According to staff of the former City of Toronto, the standards dealing with air conditioners and prescribed in the Noise By-law of the former City of Toronto date back to the early 1970's, long predating the initiatives of the Ministry of the Environment regarding sound emission standards for air conditioners.

We recommend the adoption of NPC-216 as the best standard for the investigation and resolution of complaints concerning air conditioning devices.

Definition of “Person”

It has been recommended that where the word “person” appears in the draft by-law, that the words “or Owner” be inserted.

The *Ontario Interpretation Act* defines the word “person” as follows:

“person” includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law;

The definition prescribed by law is broad enough to include owners of property, and therefore, a change in the draft by-law is not necessary.

Vibration:

We have considered the comment concerning the effects of vibration on the inhabitants of the City.

We are recommending that the words “or vibration” be included after the word noise in Section 2 of the draft by-law so that the section will read:

“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.”

This change will allow the City to take action against any person creating a disturbance by way of noise or vibration.

Construction Noise:

The draft by-law presently prohibits sound resulting from the operation of construction equipment from 7:00 p.m. one day to 7:00 a.m. the next day; and all day Sunday and Statutory Holidays.

One of the recommendations suggests that sound resulting from the operation of construction equipment be prohibited prior to 8:00 a.m. on Saturdays.

This is a reasonable amendment to protect the public from unwanted early morning noise from construction activity.

Mixed Use Buildings:

It has been suggested that we add a third category to the table to Section 4 of the by-law under the heading of “Mixed Use Residential Area”.

The definition of Residential Area includes property which is in whole or in part used for human habitation. Such being the case, a mixed-use category would not be necessary.

Comparison of Draft By-law to Previous By-laws:

We have been asked to consult with a representative number of institutions to ascertain whether this by-law would be an improvement over the status quo and report thereon to the Committee.

Comparison charts were included with the report dated August 16, 2001. The charts outline the provisions of the Noise By-laws of the former municipalities as compared to the draft proposal, and outlining the differences and any anticipated impact.

Toronto Police Service:

It was suggested that a copy of the draft by-law be forwarded to the Toronto Police Service for their comments.

A copy of the draft by-law was sent to the Toronto Police Service on August 31, 2001. To date, we have not received any comments on our proposals.

Exemption for City-owned or City-sponsored Events:

We would not recommend an exemption for any city-owned facility or city-sponsored event. Generally, events of this nature are festive events, and there is no reason to believe that they cannot function within the prescribed limits of the draft by-law.

Delegation of Authority to Hear Applications of Exemptions to the By-law:

Section 96 of Chapter 27, Council Procedures, of the Municipal Code provides as follows:

§ 27-96. Subcommittees.

- A. Community councils may establish subcommittees for one or more purposes.
- B. A subcommittee of a community council shall report directly to Council on any hearing it conducts or opportunity to be heard that it provides in the place of Council under section 105 of the *Municipal Act*.

It is our view that the draft by-law would not require any amendment to allow any Community Council to establish a sub-committee to consider applications for exemptions.

The authority to grant exemptions under this by-law is found in Section 178 of the *Environmental Protection Act*. Under the Act, only Council has the authority to grant exemptions to the Noise By-law.

Third Party Verification:

Where a complaint is received concerning a violation to the by-law, every effort will be made to resolve the complaint without resorting to taking court action. However, where action proves to be the only way of resolving the dispute, and the officer hears the noise and is satisfied the noise constitutes a violation of the by-law, the officer's evidence will serve as third party verification for the purpose of taking court action.

Monitoring of Events:

A suggestion has been made that all approved exemptions to the by-law be monitored.

In our view, it would be in the best interest of Council to maintain some discretion as to which events will be monitored as a condition of approval.

Exemption for Public Safety and Highways:

Emergency situations develop from time to time requiring that action be taken by the appropriate level of government. The action required to deal with the emergency may result in a technical violation to the Noise By-law.

For this reason, we are recommending the provision in Section 8 (a) of the draft by-law be adopted.

With respect to Section 8(b) dealing with road construction, we would recommend that the clause be amended to read as follows:

“(b) for any emergency requiring immediate action for the preservation, restoration or demolition of any highway.”

This would ensure that the exemption could only be used during an emergency.

Publication of Notice of Application for an Exemption:

We are recommending that an applicant for an exemption from the by-law be required to publish a Notice of Application as described in the draft by-law, in a form approved by the Commissioner of Urban Development Services, and that proof of the publication be provided to the satisfaction of the Commissioner.

This represents a change from the original approach on the issue and places the responsibility on the applicant to place a notice in a newspaper of general circulation.

Application Fee:

We recommend that the by-law include a provision whereby the publication of a notice, and the application fee, are waived where the application for an exemption is made by the City or any of its Agencies, Boards or Commissions.

Notwithstanding Section 9 of the draft by-law, where an application for an exemption is being made by the City or any of its Agencies, Boards or Commissions, it is recommended that the application and report be submitted directly to Community Council by the City Department, Agency, Board or Commission making the request.

Conclusions:

This report responds to enquiries and concerns expressed by Community Councils and the Board of Health.

A number of changes to the draft by-law attached to the report of the Commissioner of Urban Development Services dated August 16, 2001, have been recommended in response to issues raised by Community Councils, the Board of Health and the Commissioner of Works and Emergency Services.

If the Committee recommends the adoption of the new harmonized Noise By-law along with any of the recommendations offered in this report, it is suggested that the City Solicitor be authorized to prepare and introduce in Council a bill substantially in the form of the draft by-law, as amended, and any other bill necessary to give effect to the Committee's decision, and once adopted by Council, that the City Solicitor make any necessary application to the Minister of the Environment for approval.

This report has been prepared in consultation with Legal Services and the office of the City Clerk.

Contact:

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The Planning and Transportation Committee also submits the following report (August 16, 2001) from the Commissioner, Urban Development Services:

Purpose:

To report on the harmonization of the Noise By-law.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) this report and the attached draft by-law be received and forwarded to the Community Councils and the Board of Health for their consideration and comments back to Planning and Transportation Committee;
- (2) Council endorse the enforcement strategy and fee structure as outlined in this report; and
- (3) Council request the Minister of the Environment to include sound emission standards for blowers or vacuums for grounds maintenance in Publication NPC-117, Domestic Outdoor Power Tools.

Background:

As part of our programme to harmonize by-laws of the former municipalities, we have directed our attention to noise by-laws.

As is the policy in matters of by-law harmonization, it is recommended that this report along with the attachments be forwarded on to Community Councils and in this case, the Board of Health, for their review and comments back to the Planning and Transportation Committee.

Once comments are received by the Planning and Transportation Committee, they would be reviewed and any changes that the Committee deems advisable would be recommended to Council.

Comments:

The attached draft by-law represents a fair harmonization of the existing Noise By-laws. In order to assist the Committee, comparison charts have been prepared and attached to this report to illustrate how the harmonized by-law will differ from the existing by-laws. The organizational structure of the draft by-law contains five (5) categories of prohibitions, namely:

- (1) General Prohibitions
- (2) Specific Prohibitions;
- (3) Prohibitions by Time and Place;
- (4) General Limitations on Sound Levels Due to Stationary Sources; and)
- (5) Limitations on Sound Levels for Residential Air Conditioners.

General Prohibitions

Section 2 of the draft by-law prohibits any person from making, causing or permitting a noise which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of inhabitants of the City.

Specific Prohibitions

Section 3 of the by-law prohibits any sound resulting from the racing of motor vehicles, squealing of tires, and other specified acts related to the operation of vehicles.

Prohibitions by Time and Place

Section 4 of the by-law contains noise limitations for specific activities which are clearly audible at a point of reception located in a Quiet Zone or Residential Area. A Quiet Zone is defined as any property within the municipality used as a hospital, retirement home, nursing home, senior citizens' residence, or other similar use. A Residential Area is defined as 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.

Eleven (11) specific activities have been identified and assigned specific prohibited times as contained in section 4B of the draft by-law. During the prohibited time periods, any sound resulting from the activity identified in the table and clearly audible in a Quiet Zone or Residential Area is prohibited.

General Limitations on Sound Levels Due to Stationary Sources

For complaints concerning a noise emanating from a stationary source, such as a dust collector, the by-law prohibits noises that exceed the applicable standards prescribed in Publication NPC-205 issued by the Ministry of the Environment, which require that the noise level not exceed the ambient sound level at a point of reception.

Limitation on Sound Levels for Residential Air Conditioners:

The by-law requires that residential air conditioners comply with standards prescribed in Publication NPC-216 by the Ministry of the Environment to prohibit and regulate sound emission levels.

Sound emission levels of residential air conditioners may not exceed any more than 5 dB over the ambient sound level when measured at the point of reception.

Public Safety and Highways

The draft by-law creates an exemption for the City or any local board thereof, the Province of Ontario, the Government of Canada or any of their agents, when the emission of sound is in connection with work undertaken for:

- (1) the immediate health, safety or welfare of the inhabitants of the City; or
- (2) the preservation, restoration or demolition of any highway.

Granting of Exemptions by Council

From time to time, Council may be requested to consider a request for a specific exemption to the by-law. In order to facilitate such a request, the by-law outlines a process by which an application, accompanied by an administration fee, may be submitted to the Commissioner of Urban Development Services for consideration by Community Council and approval by Council.

This newly introduced administration fee, as described in the following chart, is required to cover the estimated costs associated with the inspection of the area where the event is to be held, the preparation of a report to Community Council and Council and the listing of the agenda item and the preparation of the agenda material. This fee does not include the cost of the required newspaper advertisement of the meeting at which Community Council is to consider the application. The fee for advertising will be applied separately and paid for by the applicant prior to the meeting.

Fees Chart

Service	Fee	Justification
Inspection Fee	\$60.00 per hour with a \$60.00 minimum charge	Same fee as has been approved for Building Inspections.
Preparation of Report	\$100.00	Estimated time of two hours to prepare report.
Preparation of Agenda Material	\$100.00	Material prepared for Community Council and Council Agendas

Leaf Blowers:

Public Health Services has submitted a separate report to the Board of Health on the health effects of leaf blowers and other gardening equipment.

With the exception of the former City of North York, all of the former municipalities regulated noise emissions from domestic power tools (including leaf blowers). The following chart illustrates the requirements currently in place.

Current Provisions Concerning Leaf Blowers

Former Municipality	Prohibition for Quiet Zone	Prohibition for Residential Zone	Other Prohibition
North York	None	None	All Disturbing Noises
Toronto	N/A	N/A	9:00 p.m. to 7:30 a.m. 70 dB(A) at 15 m
York	N/A	9:00 p.m. to 8:00 a.m. 9:00 a.m. Sunday and Statutory Holidays	All others areas: 9:00 p.m. to 8:00 a.m. 9:00 a.m. Sunday and Statutory Holidays
Etobicoke	5:00 p.m. to 7:00 a.m. 9:00 a.m. Sunday and Statutory Holidays	7:00 p.m. to 7:00 a.m. 9:00 a.m. Sunday and Statutory Holidays	N/A
East York	5:00 p.m. to 7:00 a.m. 9:00 a.m. Sunday and Statutory Holidays	7:00 p.m. to 7:00 a.m. 9:00 a.m. Sunday and Statutory Holidays	N/A
Scarborough	5:00 p.m. to 7:00 a.m. 9:00 a.m. Sunday and Statutory Holidays	7:00 p.m. to 7:00 a.m. 9:00 a.m. Sunday and Statutory Holidays	11:00 p.m. to 7:00 a.m. 9:00 a.m. Sunday and Statutory Holidays

We are not recommending a specific sound level limit for leaf blowers or other gardening equipment. A sound level limit similar to that used by the former City of Toronto is likely to be unenforceable. To take a sound level reading the officer would require the full co-operation of the equipment user and it is highly unlikely that full co-operation would occur.

The draft by-law prohibits noise resulting from the use of Power Devices which blow or vacuum material such as leaves, grass cuttings or debris that is clearly audible in a Quiet Zone at all times, and in a Residential Area between 7:00 p.m. and 9:00 a.m.

In addition, we are recommending that the Minister of the Environment be requested to include sound emission standards for blowers and vacuums used for grounds maintenance in Publication NPC-117, Domestic Outdoor Power Tools.

Minister's Approval:

The *Environmental Protection Act* authorizes Council to pass a by-law to prohibit and regulate sound emissions subject to the approval of the Minister of the Environment. If Council finds it desirable to adopt a new harmonized Noise By-law, it is recommended that the City Solicitor be requested to make the necessary application to the Minister for approval.

Enforcement Strategy:

As a general enforcement strategy, with the exception of complaints originating from Councillors on behalf of constituents, anonymous complaints are not accepted by the Municipal

Licensing and Standards Division unless the complaint is concerning a life threatening condition where the public's well being may be at risk.

Third Party Verification

At its meeting held on June 26, 27 and 28, 2001, Council referred the following motion to the Commissioner of Urban Development Services and the City Solicitor for a report thereon to Planning and Transportation Committee:

“WHEREAS on November 24, 2000 the City of Toronto Department of Urban Development Services, Municipal Licensing Standards and Court Services Division, wrote to a taxpayer stating that the Noise By-law No. 31857 (of the former City of North York) states that ‘no person shall ring bells, blow horns, shout or make or permit unusual noises, or noises likely to disturb the inhabitants’; and

WHEREAS the aforementioned City Department letter then quoted the Oxford dictionary definition of inhabitants as ‘persons or animals that live in or occupy a place’; and

WHEREAS the aforementioned Licensing Standards and Court Services Division decreed that under the Oxford dictionary definition (and I quote) ‘in the context of the By-law 31857 means more than one person which has been adopted by our division for the purpose of adjudication’; and

WHEREAS the taxpayer was then advised in writing ‘...it is not possible for us to bring the matter before the Courts at this time given the aforementioned definition’; and

WHEREAS the aforementioned Division concluded its November 24, 2000 letter to the taxpayer by advising ‘...it is our decision that this matter be better dealt with through mediation or in a civil court action’; and

WHEREAS I have been advised that the Noise By-law No. 31857 contains no explicit requirement that ‘two or more inhabitants’ be disturbed before the By-law can be evoked; and

WHEREAS a restrictive pre-condition that more than one person needs to be disturbed before enforcement proceedings will commence should not be imported into the By-law through an administrator's interpretation of the word 'inhabitants'; and

WHEREAS this restrictive pre-condition arbitrarily applied can, and has in this specific case, deny the benefit and protection of By-law No. 31857 to a significant number of taxpayers living alone; and

WHEREAS, as the City's Seniors' Advocate, I am concerned for the well being of the more than 300,000 seniors who call Toronto home; and

WHEREAS one in four of Toronto's seniors live alone, and the majority is female;

NOW THEREFORE BE IT RESOLVED THAT City Council ensure that a person living alone will have access and redress to Noise By-law No. 31857 and the quiet enjoyment of their home; and that Council comply with the Ontario Human Rights Code which guarantees access to services without discrimination on the basis of sex, family or marital status, through a clear directive to prevent the aforementioned interpretation of By-law No. 31857, as set out in this Motion.

The courts have ruled that an objective test should be applied to determine whether there has been a violation of a noise by-law that prohibits noise that is "likely to disturb the inhabitants". Under such a test, the City must prove that the noise was of a volume or duration that would ordinarily disturb a reasonable person.

The standard way of meeting this test is to have two or more persons testify as to having been disturbed by the noise. Although there is no legal requirement that a noise must disturb more than one person in order to constitute a noise that is "likely to disturb", courts are generally reluctant to convict when presented with conflicting testimony from a single complainant and the accused. In order to convict, the court must be convinced of the guilt of the accused beyond a reasonable doubt. This is a difficult onus to meet in the absence of corroborating evidence from a third party where the accused testifies that the noise complained of was not unreasonable.

Therefore, the likelihood of obtaining a conviction on the basis of testimony from a single complainant is low.

It is proposed to initiate a general policy whereby third party verification of the noise disturbance would be encouraged prior to commencing any court action to resolve a complaint. This third party verification may be provided by any third party including a Municipal Licensing Officer, if present at the time of the noise occurrence. This policy would assist in obtaining convictions.

If the third party verification is unavailable, the decision to prosecute would be based upon a review of the evidence available with the prosecutors and the complainant.

The above section was prepared in consultation with the City Solicitor.

General Noise Complaints under Sections 2, 3 and 4 of the Noise By-law

Upon receipt of a complaint, the complainant will be advised that a letter will be sent notifying the person responsible for the noise of the complaint and requesting compliance. The complainant will be sent forms that can be used by them and any third party to document continued violations of the by-law. If the problem continues and court action becomes necessary, the complainant and any third party will be requested to attend court to give evidence as to the noise disturbance.

If any complainant refuses to document any continued violations to the by-law or to attend court as a witness, we will advise them that without their participation further action will not be possible.

Complaints due to Sound Emissions from Air Conditioners

Where a complaint is received dealing with sound emissions from a residential air conditioner an officer will be sent to investigate and take measurements of the sound levels at the point of reception. Noise measurements relating to residential air conditioners would be taken between the hours of 7:00 a.m. and 9:00 p.m. in accordance with the ministry's guidelines. Where it is found that the sound emission levels exceed those prescribed under the guidelines (ambient +5 dB), a letter will be sent to the person responsible for the noise requesting compliance. If compliance cannot be achieved, court action may be undertaken.

Complaints due to Sound Emissions from a Stationary Source

The process for dealing with sound emissions from a stationary source will be similar to that suggested for air conditioners. However, the guideline in this case requires that the sound emission level be no greater than the ambient sound level.

Complaints concerning Domestic Pets

We recommend that noise complaints concerning domestic pets continue to be investigated by the Animal Services Division of Toronto Public Health Services.

Events Monitoring

As part of the enforcement strategy, we are recommending that where an exemption to the by-law is approved by Council, that with few exceptions and as a condition of approval, sound levels resulting from the event be monitored at the applicant's expense.

The fee recommended for this service is \$60.00 per hour, with a minimum four-hour charge for each City staff member required to monitor the sound level of the event. This per hour fee is consistent with the fee approved in the fees by-law for a special inspection by staff of the Building Division.

Where sound level monitoring is to be done by a professional engineer at the expense of the applicant, we recommend that the applicant be required to file a copy of the engineer's report with the Commissioner of Urban Development Services within 30 days of the event.

Conclusions:

The newly harmonized Noise By-law represents a fair harmonization of existing by-laws.

If, after review by Community Councils and the Board of Health, the Committee recommends the adoption of the new harmonized noise by-law, it is suggested that the City Solicitor be authorized to prepare and introduce in Council a bill substantially in the form of the attached draft by-law and any other bill necessary to give effect to the Committees decision and once adopted by Council, that the City Solicitor make any necessary application to the Minister of the Environment for approval.

The harmonized by-law has been prepared in consultation with the Ministry of the Environment, Toronto Public Health Services, Works and Emergency Services and Legal Services.

Contact:

E. Gino Vescio, Sr. Policy and Research Officer
Policy and Business Planning Unit, Municipal Licensing and Standards
Telephone: 392-8769/Fax: 392-8805; email: gvescio@city.toronto.on.ca

Attachment 1

Authority:
Adopted by Council:

Bill No. _____

CITY OF TORONTO

By-law No. _____

To adopt a new City of Toronto Municipal Code Chapter XX, Noise

WHEREAS it is in the public interest to reduce the noise level in the city, so as to preserve, protect and promote the public health, safety, welfare and the peace and quiet of the inhabitants of the City, and

WHEREAS, the making, creation or maintenance of excessive and unreasonable noises within the city affects and is a detriment to public health, comfort, convenience, safety, welfare and the prosperity of the people of the City; and

WHEREAS Council has authority under section 178 of the Environmental Protection Act to pass this by-law;

NOW THEREFORE, the Council of the City of Toronto HEREBY ENACTS as follows:

1. The City of Toronto Municipal Code is amended by adding the following as Chapter XX, Noise:

“Chapter XX, Noise”

A. Technical Terms

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. Definition

In this chapter,

(1) Certificate

“Certificate” means a Certificate of Competency in Environmental Acoustics Technology of a specified class issued by the Minister of the Environment;

(2) Commissioner

“Commissioner” means the Commissioner of Urban Development Services or his or her designate.

(3) Construction

“Construction” includes, but is not limited to, 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;

(4) Construction Equipment

“construction equipment” means 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;

(5) Conveyance

“conveyance” includes a vehicle and any other device employed to transport a person or persons or goods from place to place;

(6) Council

“Council” means the Council of the City of Toronto;

(7) Highway

“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;

- (8) Inhabitants
“Inhabitants” means one or more persons who reside in the City;
- (9) Minister
“Minister” means Minister of the Environment;
- (10) Motor Vehicle
“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*;
- (11) Motorized Conveyance
“Motorized Conveyance” means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- (12) Municipality
“Municipality” means the land within the geographic limit of the City of Toronto;
- (13) Noise
“Noise” means unwanted sound;
- (14) Officer
“Officer” means a person who has been assigned the responsibility of administering or enforcing this chapter;
- (15) Owner
“Owner” includes,
(a) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and
(b) a lessee or occupant of the property;
- (16) Point of Reception
“Point of Reception” means any point on the premises of a person where noise originating from other than those premises is received;
- (17) Power Device
“Power Device” means any powered device used in the servicing, maintenance or repair of any property, excluding devices driven by muscular power and snow blowers;

- (18) Property
“Property” means 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 includes vacant land;
- (19) Publication
“Publication” means a specified publication of the Ministry of the Environment, as may be amended from time to time, and which is listed in Schedule A and attached to this chapter;
- (20) Stationary Source
“Stationary Source” means 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,

- (1) Residential Area
“Residential Area” means 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.
- (2) Quiet Zone
“Quiet Zone” means any property within the municipality used as a hospital, retirement home, nursing home, senior citizens residence, or other similar use.

2. General Prohibition

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

3. Specific Prohibitions

No person shall emit or cause or permit the emission of sound resulting from an act listed herein, and which 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.

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 to Section 4 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 to Section 4 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 9:00 a.m. the next day.

TABLE TO SECTION 4

Type of Act	Prohibited Period of Time	
	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)
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. The operation of construction equipment.	B.(4)	B.(4)
6. The operation of a Power Device that blows or vacuums leaves, grass cuttings, debris or other similar material.	At all times	B.(7)
7. The operation of any Power Device other than those that blow or vacuum leaves, grass cuttings, debris or other similar material.	B.(1)	B.(2)
8. Operation or use of any tool or device for domestic purposes, other than Power Devices and snow blowers.	B.(6)	B.(2)
9. Activation of a security alarm resulting in sound for a duration in excess of 5 minutes.	At all times	At all times
10. Vehicle Repairs	At all times	B.(5)
11. Playing of music	At all times	B.(3)

5. General Limitations on Sound Levels Due to Stationary Sources

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 & 2 Areas (Urban).

6. Limitation on Sound Levels for Residential Air Conditioners

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, October 1993”, 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, October 1993”.
- (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, October 1993” unless:
- (1) the device was manufactured prior to January 1st, 1979; or
 - (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, October 1993”, as applicable to that type of device and date of manufacture; or
 - (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, October 1993”, as applicable to that type of air conditioner and date of manufacture.

7. Pre-emption

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

8. Exemption: Public Safety and Highways

Notwithstanding any other provision of this chapter, it shall be lawful for the City or any local board thereof, the Province of Ontario, the Government of Canada or any of their authorized agents, to emit or cause or permit the emission of sound in connection with measures undertaken:

- (a) for the immediate health, safety or welfare of the inhabitants of the City; or
- (b) for the preservation, restoration or demolition of any highway.

9. Grant of Exemption by Council

Application to Community Council

A. Notwithstanding anything contained in this chapter, any person may, no later than 90 days prior to the date for which the exemption is being requested, make application to the Commissioner for an exemption from any of the provisions of this chapter.

B. Details of Application for Exemption

The application mentioned in subsection A shall be made in writing, accompanied with the required fee, and shall contain:

- (1) the name and address of the applicant;
- (2) the location of the event or activity for which the exemption is sought;
- (3) a description of the source of sound for which the exemption is sought;
- (4) a statement of the particular provision or provisions of the chapter from which exemption is sought;
- (5) the period of time, of a duration not in excess of six months, for which the exemption is sought;
- (6) the reasons why the exemption should be granted;
- (7) a statement of the steps, if any, planned or presently being taken to bring about compliance with the chapter.

C. Preparation of Report

Upon receipt of an application containing all of the information outlined in subsection B, the Commissioner shall prepare a report recommending whether an exemption should be granted or refused and the terms and conditions which should be imposed upon the applicant if the exemption is granted.

D. Distribution of Report

The Commissioner shall forward a copy of the report to the local Community Council and to the applicant at the address shown on the application by prepaid regular mail.

E. Publication of Notice

- (1) The City Clerk shall, at the applicant's expense, cause a notice of the application to be published in a newspaper of general circulation within the municipality, a notice of the application at least 14 days prior to the meeting of the Community Council at which the application will be considered.

- (2) The notice referred to in clause (1) shall contain the information required by subsections B.(1)-(7) hereof, and indicate the date upon which it is intended that the application will be considered by Community Council.

F. Decision

- (1) Community Council shall recommend to Council whether to grant or refuse the exemption including any terms or conditions.
- (2) Council may, by resolution, refuse to grant the exemption or may grant the exemption applied for or any exemption of lesser effect and any exemption granted shall specify the time period, not in excess of six months, during which it is effective and may contain such terms and conditions as Council sees fit.
- (3) Council may require as a condition of approval, that City staff or a professional engineer monitor the sound levels resulting from the event or activity.
- (4) Where Council requires that the applicant engage the services of a professional engineer to undertake the monitoring of the sound levels resulting from the event or activity, a report of the findings prepared by the engineer shall be filed with the Commissioner within 30 days of the event or activity.
- (5) Where Council requires monitoring of sound levels resulting from the event or activity, the monitoring shall be conducted at the applicant's expense.

10. Breach

Breach by the applicant of any of the terms or conditions of an exemption granted by Council or the failure of the applicant to pay any required fee, shall render the exemption null and void.

11. Severability

Each section of this chapter is an independent section, and the holding of any section or part of it to be void or ineffective for any cause shall not be deemed to affect the validity of any other section or parts of it.

12. Publications

The publications listed in Schedule A are deemed to form part of this chapter.

Attachment 2

CITY OF TORONTO

Proposed Noise By-law – Comparison Chart

Former City of North York By-law 31317, as amended and By-law 31857

Old Requirement	New Section	New Requirement
General Noise Prohibition	2	General Prohibition Continues
Difference: Essentially the same		
Impact: None		

Old Requirement	New Section	New Requirement
Prohibits vehicle related noise	3	Prohibits most vehicles related noises Festivals which would not comply with the by-law are subject to Council Approval.
Difference: New section specific to noises created by vehicles		
Impact: Easier to deal with neighbourhood vehicle noise problems		

Old Requirement	New Section	New Requirement
Two classes of zones, Residential and Quiet Zone	4	Zone categories are Quiet and Residential
Difference: Quiet includes hospitals, old age homes, nursing homes etc. while Residential zone includes any property zoned for residential use or is used in whole or in part for human habitation.		
Impact: No impact expected		

TABLE TO SECTION 4

Old Requirement	New Section	New Requirement
None	Item 1	Model Toy Noise Prohibition Quiet zone – at all times Residential 9:00pm – 7:00am (9:00 a.m. Sun. & Stat. Holiday)
Difference: New requirement		
Impact: Minimal		

TABLE TO SECTION 4, continued

Old Requirement	New Section	New Requirement
None	Item 2	Loud speaker noise prohibition Quiet zone Prohibition – At all times, Residential zone 11:00 p.m. to 7:00 a.m. (9:00 a.m. Sun & Stat. Holiday)
Difference: New Requirement		
Impact: Minimal		

Old Requirement	New Section	New Requirement
None	Item 3	Noise from vents etc. Quiet zone prohibition at all times Residential Prohibition 11:00 p.m. to 7:00 a.m. (9:00 Sun & Stat Holiday)
Difference: New Requirement		
Impact: Exception of furnace vents. Matter to be examined as a Property Standards issue.		

Old Requirement	New Section	New Requirement
None	Item 4	Noise in connection with loading or unloading Quiet Zone prohibition 7:00 a.m. to 7:00 p.m. all day Sunday and Stat. Holidays. Residential Prohibition 11:00 p.m. to 7:00 a.m. (9:00 a.m. Sundays and Stat Holidays)
Difference: New Requirement		
Impact: Minimal impact expected		

Old Requirement	New Section	New Requirement
Construction Noise Prohibition 7:00pm to 7:00 am and all day Sunday and Stat Holiday	Item 5	No Change
Difference: None		
Impact: None		

TABLE TO SECTION 4, continued

Old Requirement	New Section	New Requirement
No specific requirement for power tools that blow or vacuum	Item 6	All power tools that blow or vacuum Prohibition in Quiet zone at all times, in Residential zone 7:00pm – 9:00 a.m.
Difference: N/A		
Impact: Some complaints initially from commercial landscapers operating in residential zones		

Old Requirement	New Section	New Requirement
None	Item 7	All property maintenance power tools Quiet zone prohibition 7:00 p.m. to 7:00 a.m. (9:00 a.m. Sunday and Stat Holiday), Residential zone Prohibition 9:00 p.m. to 7:00 am (9:00 a.m. Sunday and Stat Holiday)
Difference: New Requirement		
Impact: Minimal		

Old Requirement	New Section	New Requirement
No requirement	Item 8	Operation of power tool other than that described in item 6 or 7, Prohibition for Quiet zone 7:00 p.m. to 9:00 am and all day Sunday and Stat. Holidays. For Residential zone, 9:00 p.m. to 7:00 a.m., (9:00 a.m. Sunday and Stat. Holidays)
Difference: New Requirement		
Impact: Enables for the officer to deal more effectively with complaints regarding power tools (such as saws, industrial tools, etc.)		

Old Requirement	New Section	New Requirement
No Requirement	Item 9	Activation of any security alarm for a duration greater than 5 minutes prohibited at all times if audible in a quiet or residential zone.
Difference: Clearer requirement		
Impact: More effective enforcement tool		

TABLE TO SECTION 4, continued

Old Requirement	New Section	New Requirement
No Requirement	Item 10	Noise from Vehicle Repairs Prohibited in Quiet zone at all times and in Residential zone from 9:00 p.m. to 7:00 am and all day Sunday and Stat. Holidays.
Difference: New Requirement		
Impact: More effective tool in combating vehicle repair complaints.		

Old Requirement	New Section	New Requirement
No Specific Requirement	Item 11	Music Prohibition Prohibition in Quiet zone at all times. In Residential zone Prohibition 11:00 p.m. to 7:00 a.m. (9:00 a.m. Sundays and Stat. Holidays)
Difference: New Specific Requirement on Music		
Impact: Minimal. Quiet zones such as hospitals and old age homes will now be specifically protected.		

END OF TABLE TO SECTION 4

Old Requirement	New Section	New Requirement
Same as new requirement	5	Noises from a stationary source (such as a dust collector) would be restricted to no more than the ambient noise level.
Difference: Specific levels established by Ministry guideline N.P.C.- 205 continues		
Impact: None		

Old Requirement	New Section	New Requirement
Same as new requirement	6	Noise resulting from Residential Air Conditioners restricted to no more than background ambient +5db.
Difference: None		
Impact: None		

Old Requirement	New Section	New Requirement
Same as new requirement	7	If more than one provision in by-law applies, most restrictive provision prevails.
Difference: None		
Impact: None		

Old Requirement	New Section	New Requirement
Similar to new requirement	8	Legislated exemptions for reasons of Public Safety and Highway Construction
Difference: Similar		
Impact: Eliminates the need for unnecessary applications for exemptions to Council		

Old Requirement	New Section	New Requirement
Application for exemption to Council	9	Application made to Community Council for exemptions such as Festival Events etc., on payment of application fee and any other expenses such as advertisement and monitoring fees.
Difference: Recognizes new structure of City and directed to be cost recovery.		
Impact: Cost Recovery.		

Old Requirement	New Section	New Requirement
Same as new requirement	13	Provincial Offences Act
Difference: None		
Impact: None		

CITY OF TORONTO

Proposed Noise By-law – Comparison Chart

Former City of Scarborough By-laws 16575 and 24389

Old Requirement	New Section	New Requirement
General Noise Prohibition	2	General Prohibition Continues
Difference: Essentially the same		
Impact: None		

Old Requirement	New Section	New Requirement
Prohibits vehicle related noise	3	Prohibits most vehicles related noises. Festivals which would not comply with the by-law are subject to Council Approval.
Difference: Similar		
Impact: Easier to deal with neighbourhood vehicle noise problems		

Old Requirement	New Section	New Requirement
Three classes of zones, Residential, Quiet and Other	4	Zone categories are Quiet and Residential
Difference: Residential zone includes any property zoned for residential use or is used in whole or in part for human habitation. Category of "Other" not necessary.		
Impact: No impact expected		

Old Requirement	New Section	New Requirement
Operation of toys with engines prohibited in quiet and residential areas	Item 1	Model Toy Noise Prohibition Quiet zone – at all times Residential 9:00pm – 7:00am (9:00 a.m. Sun. & Stat. Holiday)
Difference: More flexible for residential areas		
Impact: Minimal		

Old Requirement	New Section	New Requirement
Sounds emanating from speakers in a residential area prohibited between 5pm and 7am and 9am Sundays and Holidays	Item 2	Loud speaker noise prohibition Quiet zone Prohibition – At all times, Residential zone 11:00 p.m. to 7:00 a.m. (9:00 a.m. Sun & Stat. Holiday)
Difference: More flexible hours for residential hours.		
Impact: Minimal		

Old Requirement	New Section	New Requirement
Venting, release of steam, air, gas etc prohibited in a residential area from 7pm to 7am and 9am Sundays and Holidays.	Item 3	Noise from vents etc. Quiet zone prohibition at all times Residential Prohibition 11:00 p.m. to 7:00 a.m. (9:00 Sun & Stat Holiday)
Difference: More flexible hours for residential hours.		
Impact: Little impact expected. Exception of furnace vents. Matter to be examined as a Property Standards issue.		

TABLE TO SECTION 4, continued

Old Requirement	New Section	New Requirement
Loading and unloading of vehicles and deliveries in a residential area prohibited from 7pm to 7am and prohibited on Sundays and Holidays.	Item 4	Noise from loading and unloading Quiet Zone 7:00 a.m. to 7:00 p.m., Prohibits Sun and Stat Hol. Residential Prohibition 11:00 p.m. to 7:00 am (9:00 a.m. Sunday and Stat Holidays)
Difference: New Requirement takes into consideration the fact that some business do receive late deliveries due to the nature of their operation and therefore allows for later hours.		
Impact: Minimal impact expected		

Old Requirement	New Section	New Requirement
Construction Noise Prohibition 7:00pm to 7:00 am and all day Sunday and Stat Holiday	Item 5	No Change
Difference: None		
Impact: None		

Old Requirement	New Section	New Requirement
Noise from the operation of leaf blowers in a residential area prohibited from 7pm to 7am and 9am on Sundays and Holidays.	Item 6	All power tools that blow or vacuum Prohibition in Quiet zone at all times, in Residential zone 7:00pm – 9:00 a.m.
Difference: Little difference		
Impact: Some complaints initially from commercial landscapers operating in residential zones		

Old Requirement	New Section	New Requirement
Noise from the operation of landscape equipment in a residential area prohibited from 7pm to 7am and 9am on Sundays and Holidays.	Item 7	All property maintenance power tools Quiet zone prohibition 7:00 p.m. to 7:00 a.m. (9:00 a.m. Sunday and Stat Holiday), Residential zone Prohibition 9:00 p.m. to 7:00 am (9:00 a.m. Sunday and Stat Holiday)
Difference: Little difference		
Impact: Minimal		

TABLE TO SECTION 4, continued

Old Requirement	New Section	New Requirement
Noise from domestic power tools prohibited in a residential area between 7pm and 7am and 9am on Sundays and Holidays.	Item 8	Operation of power tool other than that described in item 6 or 7, Prohibition for Quiet zone 7:00 p.m. to 9:00 am and all day Sunday and Stat. Holidays. For Residential zone, 9:00 p.m. to 7:00 a.m. (9:00 a.m. Sunday and Stat Holiday).
Difference: Little difference		
Impact: Enables for the officer to deal more effectively with complaints regarding power tools (such as saws, industrial tools, etc.)		

Old Requirement	New Section	New Requirement
Sound in excess of 5 minutes in a residential area – no requirement except through use of Municipal Act By-law.	Item 9	Activation of any security alarm for a duration greater than 5 minutes prohibited at all times if audible in a quiet or residential zone.
Difference: Clearer requirement		
Impact: More effective enforcement tool		

Old Requirement	New Section	New Requirement
Noise from vehicle repairs in a residential area – no requirement	Item 10	Noise from Vehicle Repairs Prohibited in Quiet zone at all times and in Residential zone from 9:00 p.m. to 7:00 am and all day Sunday and Stat. Holidays.
Difference: New Requirement		
Impact: More effective tool in combating vehicle repair complaints.		

Old Requirement	New Section	New Requirement
Noise from loud music in a residential area prohibited from 5pm to 7am and from 5pm to 9am on Sundays and Holidays.	Item 11	Music Prohibition Prohibition in Quiet zone at all times. In Residential zone Prohibition 11:00 p.m. to 7:00 a.m. (9:00 a.m. Sunday and Stat Holiday)
Difference: New Requirement has total prohibition on music after 11:00 p.m. if clearly audible from a residential area.		
Impact: Minimal. Quiet zones such as hospitals and old age homes will now be specifically protected.		

END OF TABLE TO SECTION 4

Old Requirement	New Section	New Requirement
None	5	Noises from a stationary source (such as a dust collector) would be restricted to no more than the ambient noise level.
Difference: Specific levels established by Ministry guideline N.P.C.- 205 continues		
Impact: None		

Old Requirement	New Section	New Requirement
None	6	Noise resulting from Residential Air Conditioners restricted to no more than background ambient +5db.
Difference: None		
Impact: None		

Old Requirement	New Section	New Requirement
None	7	If more than one provision in by-law applies, most restrictive provision prevails.
Difference: None		
Impact: None		

Old Requirement	New Section	New Requirement
Similar to new requirement	8	Legislated exemptions for reasons of Public Safety and Highway Construction
Difference: Similar		
Impact: Eliminates the need for unnecessary applications for exemptions to Council		

Old Requirement	New Section	New Requirement
Application for exemption to Council	9	Application made to Community Council for exemptions such as Festive Events, etc., on payment of application fee and any other expenses such as advertisement and monitoring fees.
Difference: Recognises new structure of City and directed to be cost recovery.		
Impact: Cost Recovery.		

Old Requirement	New Section	New Requirement
Same as new requirement	13	Provincial Offences Act
Difference: None		
Impact: None		

CITY OF TORONTO
Proposed Noise By-law – Comparison Chart

Former Borough of East York By-law 71-89, as amended

Old Requirement	New Section	New Requirement
No Requirement	2	General Noise Disturbance Prohibition
Difference: New Requirement		
Impact: Greater flexibility to control noise in general.		

Old Requirement	New Section	New Requirement
Prohibits vehicle related noise	3	Prohibits most vehicles related noises. Festivals which would not comply with the by-law are subject to Council Approval.
Difference: More specific on Festival, will now require Council approval if event cannot comply with by-law.		
Impact: Easier to deal with neighbourhood vehicle noise problems		

Old Requirement	New Section	New Requirement
Two classes of zones, Residential and Quiet	4	Zone categories are Quiet and Residential
Difference: Residential zone includes any property zoned for residential use or is used in whole or in part for human habitation.		
Impact: No impact expected		

TABLE TO SECTION 4

Old Requirement	New Section	New Requirement
Operation of toys with engines prohibited in quiet and residential areas	Item 1	Model Toy Noise Prohibition Quiet zone – at all times Residential 9:00pm – 7:00am (9:00 a.m. Sun. & Stat. Holiday)
Difference: More flexible for residential areas		
Impact: Minimal		

TABLE TO SECTION 4, continued

Old Requirement	New Section	New Requirement
Sounds emanating from speakers in a residential area prohibited between 5 p.m. and 7am and 9:00 a.m. Sundays and Holidays	Item 2	Loud speaker noise prohibition Quiet zone Prohibition – At all times, Residential zone 11:00 p.m. to 7:00 a.m. (9:00 a.m. Sun & Stat. Holiday)
Difference: More flexible hours for residential hours.		
Impact: Minimal		

Old Requirement	New Section	New Requirement
Venting, release of steam, air, gas etc prohibited in a residential area from 11 p.m. to 7am and 9am Sundays and Holidays.	Item 3	Noise from vents etc. Quiet zone prohibition at all times Residential Prohibition 11:00 p.m. to 7:00 a.m. (9:00 Sun & Stat Holiday)
Difference: More flexible hours for residential hours.		
Impact: Little impact expected. Exception of furnace vents. Matter to be examined as a Property Standards issue.		

Old Requirement	New Section	New Requirement
Loading and unloading of vehicles and deliveries in a residential area prohibited from 7pm to 7am and prohibited on Sundays and Holidays.	Item 4	Noise from loading and unloading Quiet Zone 7:00 a.m. to 7:00 p.m. and all day Sunday and Stat Holidays. Residential Prohibition 11:00 p.m. to 7:00 am (9:00 a.m. Sunday and Stat. Holidays)
Difference: New Requirement takes into consideration the fact that some business do receive late deliveries due to the nature of their operation and therefore allows for later hours.		
Impact: Minimal impact expected		

Old Requirement	New Section	New Requirement
Construction Noise Prohibition 7:00pm to 7:00 am and all day Sunday and Stat Holiday	Item 5	No Change
Difference: None		
Impact: None		

TABLE TO SECTION 4, continued

Old Requirement	New Section	New Requirement
Noise from the operation of leaf blowers in a residential area prohibited from 7pm to 7am and 9am on Sundays and Holidays.	Item 6	All power tools that blow or vacuum Prohibition in Quiet zone at all times, in Residential zone 7:00pm – 9:00 a.m.
Difference: Little difference		
Impact: Some complaints initially from commercial landscapers operating in residential zones		

Old Requirement	New Section	New Requirement
Noise from the operation of landscape equipment in a residential area prohibited from 7pm to 7am and 9am on Sundays and Holidays.	Item 7	All property maintenance power tools Quiet zone prohibition 7:00 p.m. to 7:00 a.m. (9:00 a.m. Sunday and Stat Holiday), Residential zone Prohibition 9:00 p.m. to 7:00 am (9:00 a.m. Sunday and Stat Holiday)
Difference: Little difference		
Impact: Minimal		

Old Requirement	New Section	New Requirement
Noise from domestic power tools prohibited in a residential area between 7pm and 7am and 9am on Sundays and Holidays.	Item 8	Operation of power tool other than that described in item 6 or 7, Prohibition for Quiet zone 7:00 p.m. to 9:00 am and all day Sunday and Stat. Holidays. For Residential zone, 9:00 p.m. to 7:00 a.m. (9:00 a.m. Sunday and Stat Holiday).
Difference: Little difference		
Impact: Enables for the officer to deal more effectively with complaints regarding power tools (such as saws, industrial tools, etc.)		

Old Requirement	New Section	New Requirement
In Residential Area 7:00 p.m. to 7 a.m. and all day Sunday and Stat. Holidays.	Item 9	Activation of any security alarm for a duration greater than 5 minutes prohibited at all times if audible in a quiet or residential zone.
Difference: New Requirement		
Impact: More effective enforcement tool		

Old Requirement	New Section	New Requirement
No Requirement	Item 10	Noise from Vehicle Repairs Prohibited in Quiet zone at all times and in Residential zone from 9:00 p.m. to 7:00 am and all day Sunday and Stat. Holidays.
Difference: New Requirement		
Impact: More effective tool in combating vehicle repair complaints.		

Old Requirement	New Section	New Requirement
Noise from loud music in a residential area prohibited from 11 p.m. to 7a.m. 9a.m. on Sundays and Stat Holidays.	Item 11	Music Prohibition Prohibition in Quiet zone at all times. In Residential zone Prohibition 11:00 p.m. to 7:00 a.m. (9:00 a.m. Sunday and Stat Holiday)
Difference: New Requirement has total prohibition on music after 11:00 p.m. if clearly audible from a residential area.		
Impact: Minimal. Quiet zones such as hospitals and old age homes will now be specifically protected.		

END OF TABLE TO SECTION 4

Old Requirement	New Section	New Requirement
None	5	Noises from a stationary source (such as a dust collector) would be restricted to no more than the ambient noise level.
Difference: Specific levels established by Ministry guideline N.P.C.- 205 continues		
Impact: None		

Old Requirement	New Section	New Requirement
None	6	Noise resulting from Residential Air Conditioners restricted to no more than background ambient +5db.
Difference: None		
Impact: None		

Old Requirement	New Section	New Requirement
None	7	If more than one provision in by-law applies, most restrictive provision prevails.
Difference: None		
Impact: None		

Old Requirement	New Section	New Requirement
Similar to new requirement	8	Legislated exemptions for reasons of Public Safety and Highway Construction
Difference: Similar		
Impact: Eliminates the need for unnecessary applications for exemptions to Council		

Old Requirement	New Section	New Requirement
Application for exemption to Council	9	Application made to Community Council for exemptions such as Festive Events, etc., on payment of application fee and any other expenses such as advertisement and monitoring fees.
Difference: Recognizes new structure of City and directed to be cost recovery.		
Impact: Cost Recovery.		

Old Requirement	New Section	New Requirement
Same as new requirement	13	Provincial Offences Act
Difference: None		
Impact: None		

CITY OF TORONTO
Proposed Noise By-law – Comparison Chart

Former City of Etobicoke Chapter 174

Old Requirement	New Section	New Requirement
No Requirement	2	General Prohibition on all Disturbing Noise
Difference: New		
Impact: Gives general coverage on all noises		

Old Requirement	New Section	New Requirement
Prohibits vehicle related noise	3	Prohibits most vehicles related noises Festivals which would not comply with the by-law are subject to Council Approval.
Difference: Similar		
Impact: Easier to deal with neighbourhood vehicle noise problems		

TABLE TO SECTION 4, continued

Old Requirement	New Section	New Requirement
Three classes of zones, Residential, Quiet and Agricultural	4	Zone categories are Quiet and Residential
Difference: Residential zone includes any property zoned for residential use or is used in whole or in part for human habitation. Category of "Other" not necessary.		
Impact: No impact expected		

Old Requirement	New Section	New Requirement
Operation of toys with engines prohibited in quiet and residential areas	Item 1	Model Toy Noise Prohibition Quiet zone – at all times Residential 9:00pm – 7:00am (9:00 a.m. Sun. & Stat. Holiday)
Difference: More flexible for residential areas		
Impact: Minimal		

Old Requirement	New Section	New Requirement
Sounds emanating from speakers prohibited at all times.	Item 2	Loud speaker noise prohibition Quiet zone Prohibition – At all times, Residential zone 11:00 p.m. to 7:00 a.m. (9:00 a.m. Sun & Stat. Holiday)
Difference: More flexible hours for residential hours.		
Impact: Minimal		

Old Requirement	New Section	New Requirement
Venting, release of steam, air, gas etc prohibited in a residential area from 11 pm to 7am and 9am Sundays and Holidays.	Item 3	Noise from vents etc. Quiet zone prohibition at all times Residential Prohibition 11:00 p.m. to 7:00 a.m. (9:00 Sun & Stat Holiday)
Difference: Furnaces exempt		
Impact: No impact expected. Exception of furnace vents. Matter to be examined as a Property Standards issue.		

Old Requirement	New Section	New Requirement
Loading and unloading of vehicles and deliveries in a quiet and residential area prohibited from 7pm to 7am and prohibited on Sundays and Holidays.	Item 4	Quiet Zone prohibition 7:00 a.m. to 7:00 p.m. all day Sunday and Stat. Holidays. Residential Prohibition 11:00 p.m. to 7:00 a.m. (9:00 a.m. Sundays and Stat Holidays)
Difference: New Requirement takes into consideration the fact that some business do receive late deliveries due to the nature of their operation and therefore allows for later hours.		
Impact: Minimal impact expected		

TABLE TO SECTION 4, continued

Old Requirement	New Section	New Requirement
Construction Noise Prohibition 7:00pm to 7:00 am and all day Sunday and Stat Holiday	Item 5	No Change
Difference: None		
Impact: None		

Old Requirement	New Section	New Requirement
Noise from the operation of leaf blowers in a residential area prohibited from 7pm to 7am and 9am on Sundays and Holidays.	Item 6	All power tools that blow or vacuum Prohibition in Quiet zone at all times, in Residential zone 7:00pm – 9:00 a.m.
Difference: Little difference		
Impact: Some complaints initially from commercial landscapers operating in residential zones		

Old Requirement	New Section	New Requirement
Noise from the operation of landscape equipment in a residential area prohibited from 7pm to 7am and 9am on Sundays and Holidays.	Item 7	All property maintenance power tools Quiet zone prohibition 7:00 p.m. to 7:00 a.m. (9:00 a.m. Sunday and Stat Holiday), Residential zone Prohibition 9:00 p.m. to 7:00 am (9:00 a.m. Sunday and Stat Holiday)
Difference: Little difference		
Impact: Minimal		

Old Requirement	New Section	New Requirement
Noise from domestic power tools prohibited in a residential area between 7pm and 7am and 9am on Sundays and Holidays.	Item 8	Operation of power tool other than that described in item 6 or 7, Prohibition for Quiet zone 7:00 p.m. to 9:00 am and all day Sunday and Stat. Holidays. For Residential zone, 9:00 p.m. to 7:00 (9:00 a.m. Sunday and Stat. Holidays)
Difference: Little difference		
Impact: Enables for the officer to deal more effectively with complaints regarding power tools (such as saws, industrial tools, etc.)		

TABLE TO SECTION 4, continued

Old Requirement	New Section	New Requirement
No Requirement	Item 9	Activation of any security alarm for a duration greater than 5 minutes prohibited at all times if audible in a quiet or residential zone.
Difference: New		
Impact: More effective enforcement tool		

Old Requirement	New Section	New Requirement
Noise from vehicle repairs in a residential area – no requirement	Item 10	Noise from Vehicle Repairs Prohibited in Quiet zone at all times and in Residential zone from 9:00 p.m. to 7:00 am and all day Sunday and Stat. Holidays.
Difference: New Requirement		
Impact: More effective tool in combating vehicle repair complaints.		

Old Requirement	New Section	New Requirement
No specific prohibition on loud music.	Item 11	Music Prohibition - Prohibition in Quiet zone at all times. In Residential zone Prohibition 11:00 p.m. to 7:00 a.m. (9:00 a.m. Sunday and Stat. Holiday)
Difference: New Requirement has total prohibition on music after 11:00 p.m. if clearly audible from a residential area.		
Impact: Minimal. Quiet zones such as hospitals and old age homes will now be specifically protected.		

END OF TABLE TO SECTION 4

Old Requirement	New Section	New Requirement
Similar	5	Noises from a stationary source (such as a dust collector) would be restricted to no more than the ambient noise level.
Difference: Specific levels established by Ministry guideline N.P.C.- 205 continues		
Impact: None		

Old Requirement	New Section	New Requirement
Similar	6	Noise resulting from Residential Air Conditioners restricted to no more than background ambient +5db.
Difference: None		
Impact: None		

Old Requirement	New Section	New Requirement
Similar	7	If more than one provision in by-law applies, most restrictive provision prevails.
Difference: None		
Impact: None		

Old Requirement	New Section	New Requirement
Similar to new requirement	8	Legislated exemptions for reasons of Public Safety and Highway Construction
Difference: Similar		
Impact: Eliminates the need for unnecessary applications for exemptions to Council		

Old Requirement	New Section	New Requirement
Festive Events exempted by by-law however other applications for exemption to Council or its delegate.	9	Application made to Community Council for exemptions such as Festival Events etc., on payment of application fee and any other expenses such as advertisement and monitoring fees.
Difference: Recognizes new structure of City and directed to be cost recovery.		
Impact: Cost Recovery.		

Old Requirement	New Section	New Requirement
Same as new requirement	13	Provincial Offences Act
Difference: None		
Impact: None		

CITY OF TORONTO

Proposed Noise By-law – Comparison Chart

Former City of Toronto Municipal Code (Noise Article, 1) Chapter 241

Old Requirement	New Section	New Requirement
General Noise Prohibition	2	General Prohibition Continues
Difference: Essentially the same		
Impact: None		

Old Requirement	New Section	New Requirement
Prohibits most vehicle noises.	3	Prohibits most vehicles related noises. Festivals which would not comply with the by-law are subject to Council Approval.
Difference: Essentially the same		
Impact: Not significant		

Old Requirement	New Section	New Requirement
The only zone is Residential.	4	Zone categories are Quiet and Residential
Difference: There is no <i>quiet</i> zone in the Code.		
Impact: Specific protection for hospital, old age homes, etc.		

TABLES TO SECTION 4

Old Requirement	New Section	New Requirement
Noise from Model toys prohibited from 11:00 p.m. to 7:30 a.m. (Sundays & Holidays 9:00 a.m.	Item 1	Quiet zone – at all times Residential 9:00pm – 7:00am (9:00 a.m. Sun. & Stat. Holiday)
Difference: New by-law has two hours earlier stop time.		
Impact: Marginal		

TABLES TO SECTION 4, continued

Old Requirement	New Section	New Requirement
Loud speakers prohibited between the hours of 11:00 p.m. and 7:30 a.m. in any zone. Noise projected into any street or public place at any time, in any zone.	Item 2	Quiet zone Prohibition – At all times, Residential zone 11:00 p.m. to 7:00 a.m. (9:00 a.m. Sun & Stat. Holiday)
Difference: ½ hour in the a.m. and restrictions on Sundays or Statutory Holidays.		
Impact: Marginal Impact		

Old Requirement	New Section	New Requirement
Noise from fans, vents- L90 sound level may exceed ambient sound level by 2 dBA at any time in any zone.	Item 3	Quiet zone prohibition at all times Residential Prohibition 11:00 p.m. to 7:00 a.m. (9:00 Sun & Stat Holiday)
Difference: Exception of furnace vents. Matter to be examined as a Property Standards issue.		
Impact: Marginal Impact		

Old Requirement	New Section	New Requirement
Noise in connection with the loading or unloading 9:00 p.m. and 7:00 a.m. (9:00 a.m. Sundays & Stat. Holidays)	Item 4	Quiet Zone prohibition 7:00 a.m. to 7:00 p.m. all day Sunday and Stat. Holidays. Residential Prohibition 11:00 p.m. to 7:00 a.m. (9:00 a.m. Sundays and Stat Holidays)
Difference: 3 hours later during evening, 1 hour earlier in the morning.		
Impact: Marginal Impact		

Old Requirement	New Section	New Requirement
Construction work between 6:00 p.m. and 7:00 a.m. (Sundays & Statutory holidays 9:00 a.m.)	Item 5	Construction Noise Prohibition 7:00 pm to 7:00 am and all day Sunday and Stat Holiday
Difference: One hour later Monday through Saturday. No work on Sundays & Statutory holidays.		
Impact: The extra hour should not cause any major problems. Construction Industry will need to apply for exemption to work on Sundays and Statutory holidays.		

Old Requirement	New Section	New Requirement
<p>No specific requirement for power tools that blow or vacuum.</p> <p>Prohibited the use of all powered property service tools (except snow removal equipment) between 9:00 p.m. and 7:30 a.m. (9:00 a.m. on Sundays or Statutory holidays)</p>	<p>Item 6</p>	<p>All power tools that blow or vacuum Prohibition in Quiet zone at all times, in Residential zone 7:00pm – 9:00 a.m.</p>
<p>Difference: Two hours earlier in the evening – 1-1/2 hours later in the morning.</p>		
<p>Impact: Minimal</p>		

Old Requirement	New Section	New Requirement
<p>Powered property maintenance service tool- prohibited: (9:00 p.m. to 7:30 a.m. , Sundays & Stat. Holidays 9 a.m.</p>	<p>Item 7</p>	<p>Quiet zone prohibition 7:00 p.m. to 7:00 a.m. (9:00 a.m. Sunday and Stat Holiday) Residential zone Prohibition 9:00 p.m. to 7:00 am (9:00 a.m. Sunday and Stat Holiday)</p>
<p>Difference: ½ hour earlier start time in residential zone. No quiet designation in old By-law</p>		
<p>Impact: No major impact expected.</p>		

Old Requirement	New Section	New Requirement
<p>Prohibited the use of all powered property service tools (except snow removal equipment) between 9:00 p.m. and 7:30 a.m. (9:00 a.m. on Sundays or Statutory holidays)</p>	<p>Item 8</p>	<p>Operation of power tool other than that described in item 6 or 7, Prohibition for Quiet zone 7:00 p.m. to 9:00 am and all day Sunday and Stat. Holidays. For Residential zone, 9:00 p.m. to 7:00 a.m. (9:00 a.m. Sunday or Stat Holiday).</p>
<p>Difference: 2 hours earlier quit time, 1 ½ hour earlier start time.</p>		
<p>Impact: Minimal</p>		

Old Requirement	New Section	New Requirement
<p>Audible signalling device of any kind 10 minute duration</p>	<p>Item 9</p>	<p>Activation of any security alarm for a duration greater than 5 minutes prohibited at all times if audible in a quiet or residential zone.</p>
<p>Difference: 5 minutes less duration.</p>		
<p>Impact: Marginal</p>		

TABLE TO SECTION 4, continued

Old Requirement	New Section	New Requirement
Vehicle Repairs Not Specified	Item 10	Noise from Vehicle Repairs Prohibited in Quiet zone at all times and in Residential zone from 9:00 p.m. to 7:00 am and all day Sunday and Stat. Holidays.
Difference: New Provision		
Impact: This is an improvement, there will now be a specified way of dealing with these kinds of complaints.		

Old Requirement	New Section	New Requirement
Music Prohibition 11:00 p.m. to 7:30 a.m.	Item 11	Prohibition in Quiet zone at all times. In Residential zone Prohibition 11:00 p.m. to 7:00 a.m. (9:00 a.m. Sunday and Stat. Holidays)
Difference: No quiet zone in old by-law. Hour and a half later start time in residential area.		
Impact: Minimal		

END OF TABLE TO SECTION 4

Old Requirement	New Section	New Requirement
Municipal Code requirement is the L90 level + 2 dBA above the ambient. (+ 5 dBA penalty for tonality)	5	Noises from a stationary source (such as a dust collector) would be restricted to no more than the ambient sound level.
Difference: Now specific levels established by Ministry guideline N.P.C.- 205		
Impact: Excepting the difference in criteria for assessment, marginal impact.		

Old Requirement	New Section	New Requirement
L90 ambient level + 2 dBA (+ 5 dBA tonality Penalty)	6	Noise resulting from Residential Air Conditioners restricted to no more than background ambient +5db.
Difference: Now specific levels established by Ministry guideline N.P.C.- 216		
Impact: Excepting the difference in criteria for assessment, marginal impact.		

Old Requirement	New Section	New Requirement
None	7	If more than one provision in by-law applies, most restrictive provision prevails.
Difference:		
Impact: Clarification of application of by-law.		

Old Requirement	New Section	New Requirement
Exemption for emergency situations	8	Legislated exemptions for reasons of Public Safety and Highway Construction
Difference: None		
Impact: None		

Old Requirement	New Section	New Requirement
Applications for exemption to Commissioner.	9	Application made to Community Council for exemptions such as Festival, etc., on payment of application fee and any other expenses such as advertisement and monitoring fees.
Difference: Exemption only required in special cases		
Impact: Minimal		

Old Requirement	New Section	New Requirement
Prescribed penalty , Provincial Offences Act	13	Provincial Offences Act
Difference: None		
Impact: None		

CITY OF TORONTO

Proposed Noise By-law – Comparison Chart

Former City of York, Chapter 895

Old Requirement	New Section	New Requirement
General Noise Prohibition	2	General Prohibition Continues
Difference: essentially the same		
Impact: None		

Old Requirement	New Section	New Requirement
Only prohibits operation of vehicle more than 5 minutes.	3	Prohibits most vehicles related noises. Festivals which would not comply with the by-law are subject to Council Approval.
Difference: New section specific to noises created by vehicles		
Impact: Easier to deal with neighbourhood vehicle noise problems		

Old Requirement	New Section	New Requirement
Two classes of zones, Residential and Other	4	Zone categories are Quiet and Residential
Difference: Quiet includes hospitals, old age homes, nursing homes etc. while Residential zone includes any property zoned for residential use or is used in whole or in part for human habitation.		
Impact: No impact expected		

TABLE TO SECTION 4

Old Requirement	New Section	New Requirement
Model Toy Noise Prohibition between 7:00pm – 9:00am	Item 1	Quiet zone – at all times Residential 9:00pm – 7:00am (9:00 a.m. Sun. & Stat. Holiday)
Difference: New is 2 hrs. earlier start and 2 hrs. later stop		
Impact: Minimal		

Old Requirement	New Section	New Requirement
Loud speaker noise prohibition Residential zone 5:00p.m. to 7:00 a.m. (9:00 a.m. Sun), Other zones 11:00 p.m. – 7:00 am (9:00 Sun)	Item 2	Quiet zone Prohibition – At all times, Residential zone 11:00 p.m. to 7:00 a.m. (9:00 a.m. Sun & Stat. Holiday)
Difference: Total prohibition for other than residential. In residential, speakers permitted till 11:00 p.m.		
Impact: Change takes into consideration that any additional noise will only result during summer months when daylight hours longer.		

Old Requirement	New Section	New Requirement
Noise from vents etc, Prohibition 11:00 p.m. to 7:00 am	Item 3	Quiet zone prohibition at all times Residential Prohibition 11:00 p.m. to 7:00 a.m. (9:00 Sun & Stat Holiday)
Difference: Exception of furnace vents. Matter to be examined as a Property Standards issue.		
Impact: Will eliminate furnace venting noise complaints		

TABLE TO SECTION 4, continued

Old Requirement	New Section	New Requirement
Noise from loading and unloading Prohibition 7:00pm to 7:00 am	Item 4	Quiet Zone prohibition 7:00 a.m. to 7:00 p.m. all day Sunday and Stat. Holidays. Residential Prohibition 11:00 p.m. to 7:00 a.m. (9:00 a.m. Sundays and Stat Holidays)
Difference: 5 hrs. later stop time – 1 hr. earlier start time		
Impact: Minimal impact expected		

Old Requirement	New Section	New Requirement
Construction Noise Prohibition 7:00pm to 7:00 am and all day Sunday and Stat Holiday	Item 5	No Change
Difference: None		
Impact: None		

Old Requirement	New Section	New Requirement
No specific requirement for power tools that blow or vacuum	Item 6	All power tools that blow or vacuum Prohibition in Quiet zone at all times, in Residential zone 7:00pm – 9:00 a.m.
Difference: N/A		
Impact: Some complaints initially from commercial landscapers operating in residential zones		

Old Requirement	New Section	New Requirement
All property maintenance power tools Prohibition 9:00pm – 8:00 am (9:00 a.m. Sunday and Stat Holiday)	Item 7	Quiet zone prohibition 7:00 p.m. to 7:00 a.m. (9:00 a.m. Sunday and Stat Holiday), Residential zone Prohibition 9:00 p.m. to 7:00 am (9:00 a.m. Sunday and Stat Holiday)
Difference: 1 hr. earlier start time		
Impact: Minimal		

TABLE TO SECTION 4, continued

Old Requirement	New Section	New Requirement
No requirement	Item 8	Operation of power tool other than that described in item 6 or 7, Prohibition for Quiet zone 7:00 p.m. to 9:00 am and all day Sunday and Stat. Holidays. For Residential zone, 9:00 p.m. to 7:00 (9:00 a.m. Sundays and Stat. Holidays).
Difference: N/A		
Impact: Enables for the officer to deal more effectively with complaints regarding power tools (such as saws, industrial tools, etc.)		

Old Requirement	New Section	New Requirement
Not specifically covered	Item 9	Activation of any security alarm for a duration greater than 5 minutes prohibited at all times if audible in a quiet or residential zone.
Difference: Clearer requirement		
Impact: More effective enforcement tool		

Old Requirement	New Section	New Requirement
Vehicle Repairs Not Specified	Item 10	Noise from Vehicle Repairs Prohibited in Quiet zone at all times and in Residential zone from 9:00 p.m. to 7:00 am and all day Sunday and Stat. Holidays.
Difference: N/A		
Impact: More effective tool in combating vehicle repair complaints.		

Old Requirement	New Section	New Requirement
Music Prohibition 11:00 p.m. to 7:00 a.m.	Item 11	Prohibition in Quiet zone at all times. In Residential zone Prohibition 11:00 p.m. to 7:00 a.m. (9:00a.m. Sundays and Stat. Holidays)
Difference: Total prohibition in Quiet zone prohibition .		
Impact: Minimal. Quiet zones such as hospitals and old age homes will now be specifically protected.		

END OF TABLE TO SECTION 4

Old Requirement	New Section	New Requirement
None	5	Noises from a stationary source (such as a dust collector) would be restricted to no more than the ambient noise level.
Difference: Now specific levels established by Ministry guideline N.P.C.- 205		
Impact: Ability to measure noise levels and compare to industry guidelines		

Old Requirement	New Section	New Requirement
None	6	Noise resulting from Residential Air Conditioners restricted to no more than background ambient +5db.
Difference: Specifically noise level		
Impact: Greater investigative tool		

Old Requirement	New Section	New Requirement
None	7	If more than one provision in by-law applies, most restrictive provision prevails.
Difference: N/A		
Impact: Clarification of application of by-law.		

Old Requirement	New Section	New Requirement
Similar	8	Legislated exemptions for reasons of Public Safety and Highway Construction
Difference: Previously not provided		
Impact: Eliminates the need for unnecessary applications for exemptions to Council		

Old Requirement	New Section	New Requirement
Application for exemption to Council	9	Application made to Community Council for exemptions such as Festival, etc., on payment of application fee and any other expenses such as advertisement and monitoring fees.
Difference: Recognizes new structure of City and directed to be cost recovery.		
Impact: Cost Recovery.		

Old Requirement	New Section	New Requirement
Prescribed penalty	13	Provincial Offences Act
Difference: Old by-law prescribed penalty		
Impact: Now the Provincial Offences Act will prescribe penalty		

The Planning and Transportation Committee also submits the following report (October 23, 2001) from the Commissioner, Urban Development Services:

Purpose:

To advise of the staffing needs to administer the harmonized Noise By-law.

Financial Implications and Impact Statement:

There are no financial implications.

Recommendation:

It is recommended that this report be received for information.

Background:

The Commissioner, Urban Development Services was asked to report on the staffing implications of the harmonized Noise By-law. Further, the Board of Health requested a report on July 16, 2001, “(5) *the Medical Officer of Health be requested to report to the Board of Health on the staffing needs to implement a seven day-a week, 24 hour-a day noise control program*”.

Comments:

There are three classes of noise issues in general.

First, there is nuisance noise, such as noisy parties, loud radios, etc. Typically, the events leading to the complaints are unpredictable and outside of normal working hours. Having staff on-call would not necessarily be productive as, under certain circumstances, such as noisy parties, with many people in attendance, the powers of a By-law Officer to manage the circumstances are significantly less than the powers of the police, who do get called in such cases. For other circumstances, the noise is intermittent and unpredictable, and it is unproductive to have staff on-call. There could be no guarantee that the noise would still be occurring when an Officer arrived. Under the by-law, it is possible for the person disturbed by the noise to agree to be a witness, with Municipal Licensing and Standards staff taking carriage of charges, and the complainant(s) as witness(es). From time to time, it may be necessary for a Municipal Standards Officer to attend, but based on current experience this could be accommodated with normal staffing, on a shift or overtime basis.

Secondly, for noise from a fixed source, such as air conditioning or heating units, the noise levels are established as pre-determined decibel levels. They may be measured at scheduled times, and this can be accommodated with existing staffing.

Thirdly, for problem properties, such as clubs, where the issues are not limited to noise, these are best dealt with through the Problem Property Teams recently established.

Consequently, the new Noise By-law would not implicitly require enhanced staff levels. There are sufficient Officers available in Municipal Licensing and Standards who are qualified to operate and give evidence, as to readings, from noise meters, and we will be training additional Officers.

With respect to the 7/24 option, as a “control” mechanism, this would be of questionable value. For most noises other than those from fixed sources, the complainants can log events, and be a witness, as noted above. There is no guarantee that, where noise is the result of a variable activity, an Officer could be in attendance to hear the noise, and they would have no evidence to present in most cases. In cases where the police are called, they provide 7/24 coverage, and they have the power to lay charges under the Noise By-law. This would be the most appropriate course of action where disturbances or locations involving large numbers of people are the source of the problem. For fixed sources, e.g. vents from heating units, a complainant could identify the source by way of voice or e-mail at any time, and arrangements would then be made to follow through on remedial action, or prosecution in extreme cases.

If excessive noise is considered a significant public health issue then, over the long term, it may be appropriate to introduce a public education programme, administered through the Board of Health to discourage the behaviours that cause such problems.

Conclusions:

The provision of additional staffing is not required or recommended, as a consequence of the passing of the harmonized Noise By-law.

Contact:

Harold Bratten, Director, Municipal Licensing and Standards
Urban Development Services
Tel: 416-392-8768, Fax: 416-392-0855, Email: hbratten@city.toronto.on.ca

The Planning and Transportation Committee also submits the report (October 31, 2001) from the City Solicitor:

Purpose:

To report on the City’s authority to pass by-laws and regulations which would minimize negative noise and other negative environmental impacts of leaf blowers.

Financial Implications and Impact Statement:

There are no financial implications resulting from this report.

Recommendation:

It is recommended that this report be received for information.

Background:

Toronto East York Community Council at its meeting of October 23, 2001, while considering reports on the Harmonization of the Noise By-law, requested the City Solicitor to submit to the Planning and Transportation Committee, for its meeting to be held on November 12, 2001, a report on the City's authority to pass by-laws and regulations which would minimize negative noise and other negative environmental impacts of leaf blowers.

Comments:

At its meeting on July 16, 2001, the Board of Health considered a report from the Medical Officer of Health (July 3, 2001), "Leaf Blowers and other Lawn/Garden Equipment: Noise, Air Pollution and Regulation" (the "Leaf Blowers Report"). As a result of its consideration, the Board of Health recommended that the City Solicitor be requested to report on the extent to which the City has the authority to regulate and prohibit the operation of gas-powered and electric leaf blowers within the City of Toronto. A confidential report from the City Solicitor was before the Board of Health on October 29th and will be forwarded to the Planning and Transportation Committee meeting scheduled for November 12, 2001. This report responds to the request of the Toronto East York Community Council.

Conclusions:

The report requested of the City Solicitor by Toronto East York Community Council on the City's authority to pass by-laws and regulations which would minimize negative noise and other negative environmental impacts of leaf blowers will be forwarded by the Board of Health to the Planning and Transportation Committee for its meeting on November 12, 2001.

Contact:

Rob Billingsley, Solicitor
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The Planning and Transportation Committee also submits the following communication (October 25, 2001) from the City Clerk, Etobicoke Community Council regarding the Draft Noise By-law:

Recommendation:

The Etobicoke Community Council at its meeting held on October 24, 2001:

(1) recommended to the Planning and Transportation Committee that the draft Noise By-law contained in the report dated August 16, 2001, from the Commissioner, Urban Development Services, be adopted, subject to amending:

(a) Part 8, headed "Exemption: Public Safety and Highways", by adding thereto a new item (c) as follows:

"(c) in any City-owned facilities or at City-sponsored events.",

so that Part 8 shall now read as follows:

"8. Exemption: Public Safety and Highways

Notwithstanding any other provision of this chapter, it shall be lawful for the City or any local board thereof, the Province of Ontario, the Government of Canada or any of their authorized agents, to emit or cause to permit the emission of sound in connection with measures undertaken:

(a) for the immediate health, safety or welfare of the inhabitants of the City, or

(b) for the preservation, restoration or demolition of any highway, or

(c) in any City-owned facilities or for City-sponsored events."

(b) Part 9, headed "Grant of Exemption by Council", subsection A., headed "Application to Community Council", by adding thereto the following words:

"or Designate",

so that the heading shall now read as follows:

"Application to Community Council or Designate";

(c) Part 4, headed "Prohibition by Time and Place", "Table to Section 4", Part 6, by deleting "B.(7)" and inserting in lieu thereof "B.(4)", having regard for the action taken by the Etobicoke Community Council regarding "Leaf Blowers" in recommending to the Planning and Transportation Committee that the hours during which City staff can continue using leaf blowers be during the hours of 7:00 a.m. to 7:00 p.m.

- (2) requested the District Manager, Municipal Licensing and Standards, West District, to submit a report directly to the Planning and Transportation Committee, for consideration with this matter, on appropriate amendments that would be required to Part 9, headed “Grant of Exemption by Council”, so that the process for granting exemptions be amended to permit a Council’s designate to grant or refuse applications or refer the matter to Community Council for a final decision.

Background:

The Etobicoke Community Council had before it a transmittal letter (September 19, 2001) from the City Clerk, Planning and Transportation Committee, advising that the Planning and Transportation Committee at its meeting held on September 11, 2001, directed that the report (August 16, 2001) from the Commissioner, Urban Development Services, headed “Harmonization of Noise By-law”, and the communication (July 19, 2001) from the Secretary, Board of Health, be forwarded to the Community Councils and the Board of Health for their consideration and comment back to the Planning and Transportation Committee.

Ms. Rhona Swarbrick, Etobicoke, appeared before the Etobicoke Community Council in connection with this matter.

The Planning and Transportation Committee also submits the following communication (October 25, 2001) from the City Clerk, Etobicoke Community Council regarding leaf blowers:

Recommendation:

The Etobicoke Community Council at its meeting held on October 24, 2001, recommended to the Planning and Transportation Committee the adoption of the report dated October 10, 2001 from the Commissioner, Works and Emergency Services, subject to amending Recommendation No. (1) by deleting “5:00 p.m.” and inserting in lieu thereof “7:00 p.m.”, so that Recommendation No. (1) shall now read as follows:

- “(1) City staff continue using leaf blowers but only during the hours of 7:00 a.m. to 7:00 p.m., Monday to Friday, and not at any time in quiet zones unless required for emergency operations; and”.

Background:

The Etobicoke Community Council had before it a report (October 10, 2001) from the Commissioner, Works and Emergency Services, advising that the Board of Health on July 16, 2001, during consideration of a report dated July 3, 2001, from the Medical Officer of Health respecting noise and air pollutant emissions from leaf blowers, and other related matters, recommended, amongst other things, that the Planning and Transportation Committee seek public input on the report at Community Councils, at the same time that Community Councils give consideration to the Urban Development Services report on a harmonized Noise By-law for Toronto; and recommending that:

- (1) City staff continue using leaf blowers but only during the hours of 7:00 a.m. to 5:00 p.m., Monday to Friday, and not at any time in quiet zones unless required for emergency operations; and
- (2) staff be directed to develop an implementation plan to review work procedures, training requirements, and to research new types of equipment and leaf removal methods.

The following persons appeared before the Etobicoke Community Council in connection with the foregoing matter:

- Mr. Tom Harvey, Etobicoke; and filed a submission with respect thereto; and
- Ms. Rhona Swarbrick, Etobicoke; and filed a submission with respect thereto.

The Planning and Transportation Committee also submits the following communication (October 29, 2001) from the City Clerk, Humber York Community Council:

Recommendation:

The Humber York Community Council recommends that the Planning and Transportation Committee be advised that it concurs with the report (July 19, 2001) from the Board of Health; and further recommends the following to the Planning and Transportation Committee, with respect to the report (August 16, 2001) from the Commissioner, Urban Development Services:

- (1) under the heading, Public Safety and Highways, that the following paragraph be deleted:

“The draft by-law creates an exemption for the City or any local board thereof, the Province of Ontario, the Government of Canada or any of their agents, when the emission of sound is in connection with work undertaken for:

 - (1) the immediate health, safety or welfare of the inhabitants of the City; or
 - (2) the preservation, restoration or demolition of any highway.”
- (2) under the heading, Third Party Verification, that the following be included:

“Where the noise has been heard by a by-law officer or any other employee of the City, that person shall automatically be deemed to be the third party for verification purposes.”
- (3) under the heading, Events Monitoring, that the words “with few exceptions and” be deleted, so as to read as follows:

“As part of the enforcement strategy, we are recommending that where an exemption to the by-law is approved by Council, that as a condition of approval, sound levels resulting from the event be monitored at the applicant’s expense.”

Background:

The Humber York Community Council on October 23, 2001, had before it a communication (September 19, 2001) from the City Clerk, Planning and Transportation Committee, recommending that the report (August 16, 2001) from the Commissioner of Urban Development Services and the communication (July 19, 2001) from the Secretary, Board of Health, be forwarded to the Community Councils and the Board of Health for their consideration and comment back to the Planning and Transportation Committee.

The Planning and Transportation Committee submits the following communication (October 25, 2001) from the City Clerk, Midtown Community Council:

Recommendations:

The Midtown Community Council recommends that:

- (1) consideration be given to strengthening the provisions of the harmonized Noise By-law pertaining to the use of a device that blows or vacuums leaves, grass clippings or debris, so that the use is restricted:
 - (a) at all times in Quiet Zones;
 - (b) at all times on residential properties except during the months of October and November for leaf removal;
 - (c) between 6:00 p.m. and 8:00 a.m. on weekdays and at all times on Saturday and Sunday on non-residential properties; and
- (2) consideration be given to strengthening the provisions of the harmonized Noise By-law pertaining to air conditioning unit noise to reflect the standards in effect under the former City of Toronto Noise By-law.

The Midtown Community Council reports having requested the Commissioner of Works and Emergency Services to submit a further report to the Planning and Transportation Committee on the use of leaf blowers on residential properties of one acre or larger.

Background:

The Midtown Community Council at its meeting on October 23, 2001, had before it a communication (September 19, 2001) from the City Clerk, Planning and Transportation Committee, addressed to the Board of Health and Community Councils, forwarding the report (August 16, 2001) from the Commissioner of Urban Development Services on the harmonization of the Noise By-law and communication (July 19, 2001) from the Secretary, Board of Health, regarding Leaf Blowers and Other Lawn Garden Equipment, to the Community Councils and the Board of Health for their consideration and comment back to the Planning and Transportation Committee.

The Midtown Community Council also had before it a report (October 10, 2001) from the Commissioner, Works and Emergency Services, reporting on the implications on City operations of the restricted use of leaf blowers as recommended by the Board of Health at their meeting held on July 16, 2001; advising that there no financial implications resulting from the adoption of this report; and recommending that:

- (1) City staff continue using leaf blowers but only during the hours of 7:00 a.m. to 5:00 p.m., Monday to Friday, and not at any time in quiet zones unless required for emergency operations; and
- (2) staff be directed to develop an implementation plan to review work procedures, training requirements, and to research new types of equipment and leaf removal methods.

The Midtown Community Council also had before it the following communications:

- (1) (October 16, 2001) from Gail Cooper and Gerald William Cooper, urging Community Council's support for a ban of leaf blowers;
- (2) (October 21, 2001) from Joan Dubros, providing comments regarding banning leaf blowers and pesticides;
- (3) (October 22, 2001) from Brian Maguire, Secretary, North Hill District Home Owners' Association, providing comments regarding the harmonized Noise By-law; and
- (4) (October 22, 2001) from Councillor Anne Johnston, providing comments regarding the harmonized Noise By-law.

Gerald William Cooper appeared before the Midtown Community Council in connection with the foregoing matter.

The Planning and Transportation Committee also submits the following communication (October 29, 2001) from the City Clerk, North York Community Council:

Recommendations:

The North York Community Council on October 24, 2001:

- (a) recommended to the Planning and Transportation Committee that:
 - (1) Section 8 (b), titled, "Exemption: Public Safety and Highways" attached to the report (August 16, 2001) from the Commissioner of Urban Development Services, be deleted;

- (2) the draft by-law be further amended to provide that:
 - (a) the City and its various Agencies, Boards and Commissions, be exempt from the requirement of placing an advertisement in the newspapers and other publications when making applications for an exemption to the Noise By-law; and
 - (b) construction noise be prohibited prior to 8:00 a.m. on Saturdays;
- (3) Recommendation (2) (a) embodied in the communication (July 19, 2001) from the Board of Health to the Planning and Transportation Committee and Works Committee, be deleted;
- (4) Recommendation (2) (b) embodied in the communication (July 19, 2001) from the Board of Health to the Planning and Transportation Committee and Works Committee be amended to read as follows:

“(2)(b) between 6:00 p.m. and 8:00 a.m. on weekdays, and at all times on Saturday and Sunday, on residential and non-residential properties.”; and
- (b) requested the Commissioner of Urban Development Services to submit a report to the Planning and Transportation Committee, for its meeting scheduled for November 12, 2001, on the noise levels of new air conditioners and recommending a maximum noise level emission for air conditioners.

Background

The North York Community Council had before it the following communication and report:

- (September 19, 2001) from the City Clerk, Planning and Transportation Committee, advising that the Planning and Transportation Committee, at its meeting held on September 11, 2001, recommended that the report (August 16, 2001) from the Commissioner of Urban Development Services and the communication (July 19, 2001) from the Secretary, Board of Health respecting Harmonization of the Noise By-law be forwarded to the Community Councils and the Board of Health for their consideration and comment back to the Planning and Transportation Committee; and
- (October 10, 2001) from the Commissioner of Works and Emergency Services, reporting on the implications on City operations of the restricted use of leaf blowers as recommended by the Board of Health at their meeting held on July 16, 2001; and recommending that:
 - (1) City staff continue using leaf blowers but only during the hours of 7:00 a.m. to 5:00 p.m., Monday to Friday, and not at any time in quiet zones unless required for emergency operations; and
 - (2) Staff be directed to develop an implementation plan to review work procedures, training requirements, and to research new types of equipment and leaf removal methods.

A staff presentation was made by Mr. Gino Vescio, Senior Policy and Research Officer, Municipal Licensing and Standards, Urban Development Services.

The Planning and Transportation Committee also submit the following communication (October 25, 2001) from the City Clerk, Scarborough Community Council:

Recommendation:

The Scarborough Community Council recommends:

- (1) where the words “No person” appear in the proposed By-law, the words “or owner” be inserted immediately thereafter;
- (2) that the Commissioner of Urban Development Services be requested:
 - (i) to consider, where the By-law refers to “noise”, that the words “and any accompanying vibration” be inserted immediately thereafter, and the Commissioner submit a report thereon to Committee;
 - (ii) to report to Committee on the establishment of a third Quiet Zone category of “Mixed Use Residential Area”; such that “Table to Section 4” Item 11. “Playing of Music” be amended by deleting “B.(3)” and inserting in lieu thereof “B.(1)”;
 - (iii) to consult with a representative number of institutions to ascertain whether this By-law would be an improvement over the status quo and report thereon to Committee;
- (3) that the proposed By-law be forwarded to the Toronto Police Services Board for comment, and be deferred at Committee pending receipt of such comment.

A motion by Councillor Kelly to amend the “Table to Section 4” by deleting under “Quiet Zone” Item 6: “The operation of a Power Device that blows or vacuums leaves, grass cuttings, debris or other similar material” the words “At all times” and insert in lieu thereof “B.(7)”, was not carried.

Background:

The Scarborough Community Council, at its meeting held on October 23, 2001, had before it a communication (September 19, 2001) from the City Clerk (Planning and Transportation Committee), referring the following to the Community Councils, with the request that comments thereon be provided to the Planning and Transportation Committee:

- (a) report (August 16, 2001) from the Commissioner of Urban Development Services;
- (b) communication (July 19, 2001) from the Board of Health and report (July 3, 2001) from the Medical Officer of Health;

- (c) communication (June 15, 2001) addressed to Councillor Pantalone from Albert Roffey;
- (d) communication (September 10, 2001) from the City Clerk (Works Committee) to the Planning and Transportation Committee; and
- (e) communication (September 10, 2001) from Ronald Robinson to the Planning and Transportation Committee Administrator; and
- (f) report (October 2, 2001) from the General Manager, Transportation Services, responding to the request by the Board of Health that Works and Emergency Services report on the implications on City operations of the restricted use of leaf blowers, and recommending that:
 - (1) staff continue using leaf blowers but only during the hours of 7:00 a.m. to 5:00 p.m., Monday to Friday, and not at any time in quiet zones, unless required for emergency operations; and
 - (2) staff be directed to develop an implementation plan to review work procedures, training requirements, and to research new types of equipment and leaf removal methods.

The Planning and Transportation Committee also submits the following communication (October 29, 2001) from the City Clerk, Toronto East York Community Council:

Community Council Recommendations:

The Toronto East York Community Council recommends that:

- (1) the draft by-law attached to the report (August 16, 2001) from the Commissioner of Urban Development Services be amended to provide that:
 - (a) leaf blowers not be permitted on Smog Alert days; and
 - (b) leaf blowers not be permitted on weekends;
- (2) the draft by-law attached to the report (August 16, 2001) from the Commissioner of Urban Development Services, as amended by Recommendation No. (1), be approved;
- (3) City Council endorse the enforcement strategy and fee structure outlined in the report (August 16, 2001) from the Commissioner of Urban Development Services;
- (4) City Council request the Minister of the Environment to include sound emission standards for blowers or vacuums for grounds maintenance in Publication NPC-117, Domestic Outdoor Power Tools;
- (5) City staff continue using leaf blowers but only during the hours of 7:00 a.m. to 5:00 p.m., Monday to Friday, and not at any time in quiet zones unless required for emergency operations nor Smog Alert days; and

- (6) City staff be directed to develop an implementation plan to review work procedures, training requirements, and to research new types of equipment and leaf removal methods.

The Toronto East York Community Council reports, for the information of the Planning and Transportation Committee, having requested:

- (1) the Commissioner of Urban Development Services, in consultation with appropriate officials, to:

- (a) examine the possibility of a strategy whereby applicants requesting permission to use leaf blowers would be required to demonstrate the necessity of their use;

- (b) comment on the following motions submitted by Councillor Mihevc:

“(1) that the Planning and Transportation Committee give consideration to strengthening the provisions of the harmonize Noise By-law pertaining to

the use of a device that blows or vacuums leaves, grass clippings or debris, so that the use is restricted:

- (a) at all times in Quiet zones;

- (b) at all times in residential properties except during the months of October and November for leaf removal’; and

- (c) between 6:00 p.m. and 8:00 a.m. on weekdays and at all times on Saturday and Sunday on non-residential properties; and

(2) that the Planning and Transportation Committee give consideration to strengthening the provisions of the harmonized Noise By-law pertaining to air conditioning unit noise to reflect the standards in effect under the former City of Toronto By-law.”;

- (c) report on the costs involved in monitoring an applicant’s adherence to conditions set out in the granting of an exemption to the noise by-law;

- (d) report on a notification process for adjacent residents further to the requirements set out in Section 9(E) of the by-law attached to the report (August 16, 2001) from the Commissioner of Urban Development Services;

and to report thereon to the Planning and Transportation Committee at its meeting to be held on November 12, 2001;

- (2) the City Solicitor to advise the Planning and Transportation Committee, for its meeting to be held on November 12, 2001, on the City’s authority to pass by-laws and regulations which would minimize negative noise and other negative environmental impacts of leaf blowers; and

- (3) Landscape Ontario to report to the Planning and Transportation Committee, for its meeting to be held on November 12, 2001, on ways and means to improve the efficiency of leaf blowers so that negative noise and other negative environmental impacts can be minimized.

Background:

The Toronto East York Community Council, on October 23, 2001, had before it a report (September 19, 2001) from the City Clerk, Planning and Transportation Committee, respecting Harmonization of the Noise By-law and forwarding the report (August 16, 2001) from the Commissioner of Urban Development Services and the communication (July 19, 2001) from the Secretary, Board of Health, to the Community Councils and the Board of Health for their consideration and comment back to the Planning and Transportation Committee.

The Toronto East York Community Council also had before it the following report/communications:

- (October 10, 2001) from the Commissioner of Works and Emergency Services respecting Leaf Blowers (All Wards), and recommending that:
 - (1) City staff continue using leaf blowers but only during the hours of 7:00 a.m. to 5:00 p.m., Monday to Friday, and not at any time in quiet zones unless required for emergency operations; and
 - (2) Staff be directed to develop and implementation plan to review work procedures, training requirements, and to research new types of equipment and leaf removal methods.
- (October 22, 2001) from Eric Greenspoon, President, NoiseWatch;
- (October 22, 2001) from Gail C. Pearce; and
- (October 22, 2001) from Anne Johnston, Seniors' Advocate.

The Toronto East York Community Council's recommendations are noted above.

The Planning and Transportation Committee also submits the communication (November 7, 2001) from the City Clerk:

Recommendation:

City Council on November 6, 7 and 8, 2001, struck out and referred to the Planning and Transportation Committee for further consideration at its next meeting scheduled to be held on November 12, 2001, Clause No. 14 of Report No. 9 of the Humber York Community Council.

Background:

The Humber York Community Council on October 23, 2001, in considering material regarding the Harmonization of the Noise By-law, recommended to Council the adoption of the report (October 10, 2001) from the Commissioner of Works and Emergency Services.

(Clause No. 14 of Report No. 9 of the Humber York Community Council, headed "Leaf Blowers (All Wards)", which City Council on November 6, 7 and 8, 2001, struck out and referred to the Planning and Transportation Committee for further consideration at its next meeting scheduled to be held on November 12, 2001)

(City Council on November 6, 7 and 8, 2001, struck out and referred this Clause to the Planning and Transportation Committee for further consideration at its next meeting scheduled to be held on November 12, 2001.)

The Humber York Community Council recommends the adoption of the following report (October 10, 2001) from the Commissioner of Works and Emergency Services:

Purpose:

To report on the implications on City operations of the restricted use of leaf blowers as recommended by the Board of Health at their meeting held on July 16, 2001.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) City staff continue using leaf blowers but only during the hours of 7:00 a.m. to 5:00 p.m., Monday to Friday, and not at any time in quiet zones unless required for emergency operations; and
- (2) staff be directed to develop an implementation plan to review work procedures, training requirements, and to research new types of equipment and leaf removal methods.

Background:

The Board of Health at its meeting on July 16, 2001, had before it a report (July 3, 2001) from the Medical Officer of Health, reporting from a public health perspective on noise and air pollutant emissions from leaf blowers; an acceptable noise level for leaf blowers and other lawn/garden equipment; whether a leaf blower by-law or ban is justified based on health concerns; and by-laws and bans in major cities in North America that restrict leaf blower use.

The Board also recommended that:

- (1) the Planning and Transportation Committee be requested to seek public input on this report at Community Councils (at the same time that Community Councils give consideration to the Urban Development Services report on a harmonized Noise By-law for Toronto); and
- (2) the Planning and Transportation Committee be requested, during its deliberations on the draft harmonization Noise By-law, to recommend that the operation of a device that blows or vacuums leaves, grass clippings or debris be prohibited:
 - (a) at all times in quiet zones and on residential properties; and
 - (b) between 6:00 p.m. and 8:00 a.m. on weekdays, and at all times on Saturday and Sunday, on non-residential properties.

The Board reports having requested:

- (1) the City Solicitor to report on the extent to which the city has the authority to regulate and prohibit the operation of gas-powered and electric leaf blowers within the City of Toronto;
- (2) the General Manager of the Parks and Recreation Division, the Commissioner of Works and Emergency Services, and the Canadian Union of Public Employees (Local 416) to report back on:
 - (a) the implications on city operations and budget of a by-law to prohibit the operation of gas-powered and electric leaf blowers; and
 - (b) suggested parameters for such a by-law (e.g. exemptions for use during specified times of the year), if deemed necessary to mitigate adverse impacts on operations;
- (3) the Ontario Ministry of the Environment to convene a multi-stakeholder task group to develop health-protective standards for noise, exhaust and evaporative emissions to be met by manufacturers of lawn/garden equipment;
- (4) the Medical Officer of Health to prepare a position paper for public discussion after the harmonized Noise By-law has been considered by the Planning and Transportation Committee at which time a method for public hearings will be established;
- (5) the Medical Officer of Health to forward a copy of this report for information to: the Occupational Health and Safety Co-ordinating Committee of the City of Toronto; Toronto Cancer Prevention Coalition; City Agencies, Boards and Commissions; Environment Canada; Ontario Public Health Association; Ontario Ministry of Health; Health Canada; Ontario Ministry of Labour, Ontario Federation of Labour; Workplace Safety and Insurance Board; The Occupational Health Clinics for Ontario Workers Inc.; Landscape Ontario; Ontario Parks Association; Canadian Hearing Society; Canadian

Centre for Occupational Health and Safety; NoiseWatch; the League for the Hard of Hearing; Industry Canada; the Canadian Standards Association; and the Noise Pollution Clearinghouse; and

- (6) the appropriate city officials be authorized and directed to take the necessary action to give effect thereto.

Comments:

City staff use leaf blowers primarily in the fall to remove leaves from public parks, recreation facilities, sidewalks, and the underside of parked vehicles. They are also used for the removal of grass clippings from sidewalks, and the clean-up of garbage in picnic shelters.

To facilitate the efficient removal of leaves from parks and the public road allowances, leaf blowers must be permitted to be used by city staff. There could be restrictions placed on the times and locations where permitted in order to address some of the continuous issues of leaf blower usage. It is recommended that city staff be permitted to use leaf blowers during the hours of 7:00 a.m. to 5:00 p.m., Monday to Friday. Further, city staff should be restricted from using leaf blowers in quiet zones, unless required for emergency operations. These restrictions would still enable staff to carry out most of our leaf removal activities on city roads and in city parks except in areas designated as a quiet zone as per the proposed noise by-law.

The restricted time and area of use would likely not result in significant additional cost to the city but may result in a decreased level of service. More leaves would be left under parked cars during street cleaning activities and left on parklands. In the fall when most of the leaves fall from the trees, overtime by city staff would be curtailed. Therefore, certain streets and parks may not have leaves removed to the same standards that occurred in previous years. This will result in additional blocked catchbasins and associated drainage problems. Also, there will be a slight degradation in the appearance of the city parks and streets as more leaves and debris lay on the ground.

To minimize the impact of the proposed restrictions of the use of leaf blowers, staff would develop an implementation plan for leaf removal. The plan would consist of reviewing our present work procedures, conducting additional training of staff, especially relating to the adverse effects of the use of leaf blowers, and researching new types of equipment and leaf removal methods which could potentially be used.

A significant portion of the leaves that city crews remove from residential streets and neighbourhood parks come from the adjacent private properties. Leaves that fall on these properties are either wind blown onto public lands or raked by residents to the road allowance for pick-up. Residents should be encouraged to bag the leaves that fall onto their property for pick-up by the city as part of the city's yard waste program.

Staff from the Parks and Recreation Division, plus representatives from local 416 have had input into this report and concur in the report's recommendations.

Conclusions:

City staff should be permitted to continue their use of leaf blowers. However, staff should be restricted to use leaf blowers only during the hours of 7:00 a.m. to 5:00 p.m., Monday to Friday, and not at all in quiet zones. The restrictions would likely not result in significant additional cost to the city but will result in a decreased level of service. More leaves will be left in parks and on the public roadways. Staff are proposing to develop an implementation plan to minimize the impact of any restrictions that are placed.

Contact:

Gary H. Welsh, Director, Transportation Services, District 4
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(Councillor Chris Korwin-Kuczynski declared an interest in the foregoing matter, in that he is the owner of a leaf blower.)

(Councillor Korwin-Kuczynski, at the meeting of Council held on November 6, 7 and 8, 2001, declared an interest in the foregoing Clause, in that he is the owner of a leaf blower.)

The Planning and Transportation Committee also submits the following communication (October 30, 2001) from the Secretary, Board of Health:

Recommendation:

The Board of Health recommends adoption of the following recommendations contained in the report (October 16, 2001) from the Medical Officer of Health that:

- (1) the Planning and Transportation Committee give consideration to strengthening the provisions of the harmonized Noise By-law pertaining to the use of a device that blows or vacuums leaves, grass clippings or debris, so that the use is restricted:
 - (a) at all times in Quiet Zones;
 - (b) at all times on residential properties except during the months of October and November for leaf removal, and
 - (c) between 6:00 p.m. and 8:00 a.m. on weekdays and at all times on Saturday and Sunday on non-residential properties;
- (2) the Planning and Transportation Committee give consideration to strengthening the provisions of the harmonized Noise By-law pertaining to air conditioning unit noise to reflect the standards in effect under the former City of Toronto Noise By-law; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Action:

The Board of Health advises having requested the Commissioner, Corporate Services, in consultation with the Medical Officer of Health, to submit a report to the Administration Committee on strategies for the City to investigate and address occupational health hazards for City employees operating leaf blowers.

Background:

The Board of Health, at its meeting on October 29, 2001, had before it the following:

- (i) communication (September 19, 2001) from the City Clerk, Planning and Transportation Committee, forwarding the report (August 16, 2001) from the Commissioner of Urban Development Services on the harmonization of the Noise By-law and the communication (July 19, 2001) from the Secretary, Board of Health, regarding Leaf Blowers and Other Lawn Garden Equipment, to the Community Councils and the Board of Health for their consideration and comment back to the Planning and Transportation Committee;
- (ii) communication (September 10, 2001) from the City Clerk, Works Committee, addressed to the Planning and Transportation Committee, advising that on September 10, 2001, the Works Committee referred the communication (July 19, 2001) from the Secretary, Board of Health, respecting leaf blowers and other lawn garden equipment, to the Planning and Transportation Committee for consideration, with a request that the Planning and Transportation Committee distinguish between electrical and gas-powered leaf blowers during their consideration of this matter;
- (iii) report (October 16, 2001) from the Medical Officer of Health, providing comments to the Planning and Transportation Committee regarding the draft harmonized Noise By-law; advising that there are no financial implications arising directly from this report; that the Commissioner of Urban Development Services may report separately on staffing models and resources required to enforce the new harmonized Noise By-law; and recommending that the Board of Health recommend to the Planning and Transportation Committee that:
 - (1) the Planning and Transportation Committee give consideration to strengthening the provisions of the harmonized Noise By-law pertaining to the use of a device that blows or vacuums leaves, grass clippings or debris, so that the use is restricted:
 - (a) at all times in Quiet Zones;
 - (b) at all times on residential properties except during the months of October and November for leaf removal, and
 - (c) between 6:00 p.m. and 8:00 a.m. on weekdays and at all times on Saturday and Sunday on non-residential properties;

- (2) the Planning and Transportation Committee give consideration to strengthening the provisions of the harmonized Noise By-law pertaining to air conditioning unit noise to reflect the standards in effect under the former City of Toronto Noise By-law; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto;
- (iv) confidential report (October 1, 2001) from the City Solicitor, regarding regulations and prohibition of leaf blowers within the City of Toronto;
- (v) communication (October 25, 2001) from Judith Deutsch;
- (vi) communication (October 26, 2001) from Brian Maguire, Secretary, North Hill District Home Owners' Association;
- (vii) communication (October 28, 2001) from Eric Greenspoon, President, NoiseWatch;
- (viii) communication (October 29, 2001) from Joan Dubros;
- (ix) communication (October 29, 2001) from Rob Witherspoon, Director, Guelph Turfgrass Institute; and
- (x) chart, submitted by Councillor Mihevc, headed "Comparison of Proposed Restrictions on Leaf Blower Use: UDS and TPH Staff Reports".

The following persons appeared before the Board of Health in connection with the foregoing matter:

- Tony Di Giovanni, Executive Director, Landscape Ontario;
- Larry Cappe, Toronto, and submitted a written brief;
- Greg Quigg, Stihl Limited, and filed videotapes regarding the proper operation of leaf blowers and low noise leaf blowers;
- Steve James, Eco Power Equipment Ltd., and filed videotapes titled "Rake Versus Blower Comparison" and "Quiet 1";
- Helen Armstrong, Toronto; and
- Richard Boehnke, RHB Consulting.

(Report dated October 16, 2001 from the
Medical Officer of Health,
addressed to the Board of Health)

Purpose:

To provide comments to the Planning and Transportation Committee regarding the draft harmonized Noise By-law.

Financial Implications and Impact Statement:

There are no financial implications arising directly from this report. The Commissioner of Urban Development Services may report separately on staffing models and resources required to enforce the new harmonized Noise By-law.

Recommendations:

It is recommended that the Board of Health recommend to the Planning and Transportation Committee that:

- (1) the Planning and Transportation Committee give consideration to strengthening the provisions of the harmonized Noise By-law pertaining to the use of a device that blows or vacuums leaves, grass clippings or debris, so that the use is restricted:
 - (a) at all times in Quiet Zones;
 - (b) at all time on residential properties except during the months of October and November for leaf removal, and
 - (c) between 6:00 p.m. and 8:00 a.m. on weekdays and at all times on Saturday and Sunday on non-residential properties;
- (2) the Planning and Transportation Committee give consideration to strengthening the provisions of the harmonized Noise By-law pertaining to air conditioning unit noise to reflect the standards in effect under the former City of Toronto Noise By-law; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The proposed draft Noise By-law is part of the programme to harmonize the by-laws of the six former municipalities that now comprise the City of Toronto.

The Planning and Transportation Committee, at its meeting on September 11, 2001, considered the draft by-law, which, among other things, prohibits noise resulting from the use of leaf blowers in a Quiet Zone at all times and in a Residential Area between 7:00 p.m. and 9:00 a.m. and which recommends a limit on sound levels for residential air conditioners as set by the provincial Ministry of the Environment.

The Committee also had before it a report dated August 16, 2001, from the Commissioner, Urban Development Services which stated that it was not recommending a specific sound level limit for leaf blowers or other gardening equipment, as such a limit is unenforceable. The same report also noted that noise measurements of residential air conditioners would be taken in accordance with Ministry of the Environment guidelines.

The Planning and Transportation Committee forwarded the report (August 16, 2001) from the Commissioner of Urban Development Services and the communication (July 19, 2001) from the Secretary, Board of Health, to the Community Councils and the Board of Health for their consideration and comment back to the Planning and Transportation Committee.

Comments:

The provisions of the proposed harmonized Noise By-law have been reviewed. The provisions are for the most part consistent with protecting the health of Toronto residents. There are two areas of concern, however. The provisions regarding devices that blow or vacuums leaves, grass clippings or debris (leaf blowers) and air conditioning units should be strengthened to better protect public health.

(a) Leaf Blowers

At its meeting on May 1, 2000, the Board of Health adopted a report on the Health Effects of Noise dated March 23, 2000. The report concluded that noise is an important health issue that affects more than hearing. The scientific research demonstrates that health effects occur at noise levels below those that impair hearing. Some of these health effects include increased risk for cardiovascular disease, and negative effects on sleep, communication, performance and behaviour, reading and memory acquisition and mental health.

At its meeting on July 16, 2001, the Board of Health adopted a report from the Medical Officer of Health on "Leaf Blowers and Other Lawn/Garden Equipment: Noise, Air Pollution and Regulation" dated July 3, 2001. The report concluded that leaf blowers contribute to community noise and promote hearing loss among equipment operators and annoyance among residents. The report suggested that public input on the report should be obtained at Community Councils at the same time as public consultation on the draft harmonized Noise By-law. At the time of writing this report, the Community Councils have not yet met to consider the Planning and Transportation Committee's report on the harmonized Noise By-law (Community Councils are scheduled to meet on October 23 and 24, 2001).

Based on the health impacts analysis in the report, the Board of Health adopted the following recommendations at its July 16 meeting:

- "(1) The Planning and Transportation Committee be requested, during its deliberations on the draft harmonized Noise By-law, to recommend that the operation of a device that blows or vacuums leaves, grass clippings or debris be prohibited:
- (a) at all times in Quiet Zones and on residential properties; and
 - (b) between 6:00 p.m. and 8:00 a.m. on weekdays, and at all times on Saturday and Sunday on non-residential properties."

The proposed harmonized Noise By-law provides that the operation of a power device that blows or vacuums leaves, grass cuttings, debris or other similar material is prohibited in Quiet Zones at all times, and in residential areas between 7:00 p.m. and 9:00 a.m. The recommendation was made in a report dated August 16, 2001, by the Planning and Transportation Committee against adopting a sound level limit for leaf blowers similar to that used by the former City of Toronto because it would be unenforceable. Toronto Public Health concurs that restricting leaf blower noise on the basis on sound levels would be difficult to enforce and that any new restriction should be based on permissible times of operation.

The provisions regarding leaf blowers under the harmonized Noise By-law give the City of Toronto an opportunity to make significant progress on eliminating excessive, unnecessary urban noise at its source and of improving the soundscape of Toronto. The Board of Health's proposed restriction on leaf blower use in residential areas (set out above) can be regarded as both protective of health and enforceable in that it does not rely on sound level limits. Most residential properties in Toronto are small and closely set. There are effective, affordable, quiet alternative tools available to clean leaves and debris from these properties. These alternative methods also protect residential neighbourhoods as "preserves" of quiet in an increasingly noisy urban environment. The additional benefit of restricting leaf blower use in residential neighbourhoods is reduced air pollution.

Some municipalities that have restricted the use of leaf blowers make a distinction between electric and gas-powered units. For example, the City of Vancouver voted in July to amend its Noise By-law to prohibit the use of gas-powered leaf blowers city-wide within 50 metres of any residential premises, except for the appropriate use during October through January. It also voted, effective February 2, 2004, that the Noise By-law be amended to prohibit the use of gas-powered leaf blowers throughout the City of Vancouver at all times. The Vancouver by-law places no restrictions on electric leaf blowers.

Toronto Public Health research suggests that the harmonized Noise By-law does not need to distinguish between electric and gas-powered leaf blowers. In the June 8, 2001 report on "Leaf Blowers and Other Lawn/Garden Equipment: Noise, Air Pollution and Regulation," the Medical Officer of Health reported that the noise emitted by electric leaf blowers is only marginally less than that emitted by gas-powered blowers (the quietest electric model, tested by the California Air Resource Board in 2000, measured 63 decibels; the quietest gas model, 62-65 decibels).

Whether gas or electric, leaf blowers emit both high intensity and high frequency sound that is not only more intense than the ambient sound levels, but also markedly different. Because of the similarity in noise levels and characteristics, it is advisable that there not be a distinction drawn between gas and electric-powered leaf blowers. However, it may be appropriate to give consideration to restrictions similar to those adopted by the City of Vancouver, where leaf blower use is still permitted between the months October to January for clearing fallen leaves and debris. In the case of Toronto, it may be reasonable to permit leaf blower use during October and November when leaves are falling.

(b) Air Conditioning Units

The report dated March 23, 2000 on the Health Effects of Noise adopted at the Board of Health meeting on May 1, 2000 noted that the Noise By-laws in the former municipalities attempt to address the localized nature of particular problems in the community. It noted as well that, in the former Toronto, there are more stringent rules in place to govern Heating Ventilation and Air Conditioning systems and other equipment noises due to the close proximity of residences and other conflicting land uses.

The report also noted that noise has been reported to lessen the quality and duration of sleep. Susceptible persons may be affected by noise occurring during sleep with night noise being a significant problem for night workers, mothers with babies, elderly persons, persons who are

especially vulnerable to physical or mental disorders and other individuals who experience sleeping difficulty. Nocturnal noise has been indicated as a health risk because of the disturbance to the distribution of sleep stages resulting in direct immunosuppressive effects. These findings are of particular relevance to air conditioning units because, especially in urban areas, and especially during the summer months, they run both night and day and are the source of many public complaints.

The proposed harmonized by-law proposes a standard for the amalgamated city based on the provincial guideline set out in Publication NPC-216 "Residential Air Conditioning Devices." This is a lower standard than is presently in effect in the former City of Toronto. The proposed standard permits air conditioning units to be five decibels louder than ambient levels; the current Toronto by-law permits units to be only two decibels louder. Since sound levels are logarithmic, a small increase in decibels represents a large increase in sound energy. A difference of three decibels is significant. As noted above, it is the settlement patterns of the former City of Toronto that gave rise to the current standards, which, for this reason, appear to be the most appropriate. Maintaining the current City of Toronto standard will help protect the health of residents in the densely-settled old City of Toronto and other parts of the new City undergoing urban intensification. Maintaining the existing standard will ensure consistency with policies to eliminate noise at its source and improve the overall soundscape of Toronto.

Conclusions:

Noise in the urban environment is an important health issue. Overall, the harmonized Noise By-law successfully addresses the importance of protecting Toronto residents from the health effects of excessive noise. However, the harmonized Noise By-law provisions regarding leaf blowers and air conditioning units should be strengthened to maintain and improve the soundscape of Toronto and reduce human exposures to excessive noise. Regarding leaf blowers, further consideration should be given to health protective recommendations that restrict leaf blower use at all times in Quiet Zones, at all times except during October and November on residential properties, and between 6:00 p.m. and 8:00 a.m. on weekdays and at all times on Saturday and Sunday on non-residential properties. Regarding air conditioning units, the Board of Health and Planning and Transportation Committee should give consideration to preserving the standards of the current Noise By-law for the former City of Toronto.

Contact:

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The Planning and Transportation Committee also submits the following communication (September 10, 2001) from the City Clerk, Works Committee:

The Works Committee referred the communication dated July 19, 2001, from the Secretary, Board of Health, respecting leaf blowers and other lawn garden equipment, to the Planning and Transportation Committee for consideration, with a request that the Planning and Transportation Committee distinguish between electrical and gas-powered leaf blowers during their consideration of this matter.

Background:

The Works Committee at its meeting on September 10, 2001, had before it a communication (July 19, 2001) from the Secretary, Board of Health, advising that the Board of Health at its meeting held on July 16, 2001, recommended that the report (July 3, 2001) from the Medical Officer of Health respecting noise and air pollutant emissions from leaf blowers, from a public health perspective, be forwarded to the Planning and Transportation Committee and the Works Committee for consideration; and also recommended that:

- (1) the Planning and Transportation Committee seek public input on this report at Community Councils (at the same time that Community Councils give consideration to the Urban Development Services report on a harmonized Noise By-law for Toronto); and
- (2) the Planning and Transportation Committee be requested, during its deliberations on the draft harmonized Noise By-law, to recommend that the operation of a device that blows or vacuums leaves, grass clippings or debris be prohibited:
 - (a) at all times in quiet zones and on residential properties; and
 - (b) between 6:00 p.m. and 8:00 a.m. on weekdays, and at all times on Saturday and Sunday, on non-residential properties.

The Works Committee also had before it a communication (September 7, 2001) from Mr. John Fischer, requesting that a by-law be passed not only limiting the use of leaf blowers, but also reducing the harmful effects of noise from the City's own street and sidewalk cleaners, and that Harley motorcycles be banned from City streets unless they meet noise emission standards.

The following persons appeared before the Planning and Transportation Committee in connection with the foregoing matter:

- Greg J. Quigg, CA, President, STIHL Limited and Chairman of the Portable Power Equipment Manufacturers Association;
- Gerald William Cooper;
- Star Frampton;
- Pat Findlay;
- Judy Shiels;
- Steve James, District Manager, Echo Power Equipment;
- Robin Pendergrast, ECHO;
- Tony DiGiovanni, Landscape Ontario;
- Greg Salivan, Salivan Landscape;

- Larry Cappe;
- Antonio D. Dimilta;
- Pat Findlay, obo NoiseWatch;
- Keith Stewart, Smog and Climate Change Co-ordinator, Toronto Environmental Alliance;
- Rhoda Moldofsky, President, Bathurst Village Ratepayers' Association;
- Rita Banach;
- Patricia Welsh, South Eglinton Ratepayers and Residents Association (SERRA);
- Kathleen Lawson;
- Mac Makarchuk;
- Helen Armstrong; and
- John Fischer.

The Planning and Transportation Committee also had before it the following material and copies thereof are on file in the office of the City Clerk:

- communication (July 19, 2001) from the Secretary, Board of Health regarding leaf blowers and other lawn garden equipment, advising that the Board of Health, at its meeting on July 16, 2001, recommended that:
 - (1) the report (July 3, 2001) from the Medical Officer of Health be forwarded to the Planning and Transportation Committee and the Works Committee for consideration;
 - (2) the Planning and Transportation Committee seek public input on this report at Community Councils (at the same time that Community Councils give consideration to the Urban Development Services report on a harmonized Noise By-law for Toronto); and
 - (3) the Planning and Transportation Committee be requested, during its deliberations on the draft harmonized Noise By-law, to recommend that the operation of a device that blows or vacuums leaves, grass clippings or debris be prohibited:
 - (a) at all times in quiet zones and on residential properties; and
 - (b) between 6:00 p.m. and 8:00 a.m. on weekdays, and at all times on Saturday and Sunday, on non-residential properties;
- report (October 10, 2001) from the Commissioner, Works and Emergency Services, appended to the communication (October 25, 2001) from the City Clerk, Etobicoke Community Council, advising that the Board of Health on July 16, 2001, during consideration of a report dated July 3, 2001, from the Medical Officer of Health respecting noise and air pollutant emissions from leaf blowers, and other related matters, recommended, amongst other things, that the Planning and Transportation Committee seek public input on the report at Community Councils, at the same time that Community Councils give consideration to the Urban Development Services report on a harmonized Noise By-law for Toronto, and recommending that:

- (1) City staff continue using leaf blowers but only during the hours of 7:00 a.m. to 5:00 p.m., Monday to Friday, and not at any time in quiet zones unless required for emergency operations; and
 - (2) staff be directed to develop an implementation plan to review work procedures, training requirements, and to research new types of equipment and leaf removal methods;
- the following communications appended to the communication (October 25, 2001) from the City Clerk, Midtown Community Council:
- (October 16, 2001) from Gail Cooper and Gerald William Cooper, urging Community Council's support for a ban of leaf blowers;
 - (October 21, 2001) from Joan Dubros, providing comments regarding banning leaf blowers and pesticides;
 - (October 22, 2001) from Brian Maguire, Secretary, North Hill District Home Owners' Association, providing comments regarding the harmonized Noise By-law; and
 - (October 22, 2001) from Councillor Anne Johnston, providing comments regarding the harmonized Noise By-law;
- communication (July 19, 2001) from the Secretary, Board of Health, appended to the communication (October 29, 2001) from the City Clerk, North York Community Council, recommending that the report (July 3, 2001) from the Medical Officer of Health be forwarded to the Planning and Transportation Committee and the Works Committee for consideration; and that:
- (1) the Planning and Transportation Committee seek input on this report at Community Councils (at the same time that Community Councils give consideration to the Urban Development Services report on a harmonized Noise By-law for Toronto); and
 - (2) the Planning and Transportation be requested, during its deliberations on the draft harmonized Noise By-law, to recommend that the operation of a device that blows or vacuums leaves, grass clippings or debris be prohibited:
 - (a) at all times in quiet zones and on residential properties; and
 - (b) between 6:00 p.m. and 8:00 a.m. on weekdays, and at all times on Saturday and Sunday, on non-residential properties;
- the following material appended to the communication (October 29, 2001) from the City Clerk, Toronto East York Community Council:

- report (October 10, 2001) from the Commissioner of Works and Emergency Services respecting Leaf Blowers (All Wards), and recommending that:
 - (1) City staff continue using leaf blowers but only during the hours of 7:00 a.m. to 5:00 p.m., Monday to Friday, and not at any time in quiet zones unless required for emergency operations; and
 - (2) staff be directed to develop an implementation plan to review work procedures, training requirements, and to research new types of equipment and leaf removal methods;
- communication (October 22, 2001) from Eric Greenspoon, President, NoiseWatch;
- communication (October 22, 2001) from Gail C. Pearce; and
- communication (October 22, 2001) from Anne Johnston, Seniors' Advocate;
- confidential report (October 1, 2001) from the City Solicitor, regarding regulations and prohibition of leaf blowers within the City of Toronto;
- communication (October 25, 2001) from Judith Deutsch;
- communication (October 26, 2001) from Brian Maguire, Secretary, North Hill District Home Owners' Association;
- communication (October 28, 2001) from Eric Greenspoon, President, NoiseWatch;
- communication (October 29, 2001) from Joan Dubros;
- communication (October 29, 2001) from Rob Witherspoon, Director, Guelph Turfgrass Institute; and
- chart, submitted by Councillor Mihevc, headed "Comparison of Proposed Restrictions on Leafblower Use: UDS and TPH Staff Reports";
- confidential report (October 1, 2001) from the City Solicitor regarding regulations and prohibition of leaf blowers within the City of Toronto;
- communication (September 7, 2001) from John Fischer, requesting that a by-law be passed not only limiting the use of leaf blowers, but also reducing the harmful effects of noise from the City's own street and sidewalk cleaners, and that Harley motorcycles be banned from City streets unless they meet noise emission standards, appended to the communication (September 10, 2001) from the City Clerk, Works Committee;

- communication (June 15, 2001) from Albert Roffey submitting comments regarding the noise by-law;
- communication (September 10, 2001) from Ronald Robinson, Chain Saw Clinic® Ltd., advising that manufacturers of power blowers and vacuums have been working towards manufacturing quieter machines;
- communication (October 15, 2001) from Roger Hammer, MBA, P.Eng., Regional Director, Ontario Ministry of Transportation, noting that Section 8 which deals with granting an exemption for public safety and highways will be very helpful for the Ministry to maintain and construct Provincial Highways within the boundaries of the City of Toronto, and recommending that the word "construction" be inserted before preservation in Part (b), so that it now reads: "for the construction, preservation, restoration or demolition of any highway";
- communication (October 22, 2001) from Ramona F. Burke supporting the prohibition of small, gas-powered gardening tools;
- communication (November 5, 2001) from Ramona F. Burke supporting a reduction of noise;
- communication (November 4, 2001) from Eric Greenspoon, NoiseWatch, requesting that the issue of the harmonization of the noise by-law be deferred for one month;
- communication (November 8, 2001) from Gail C. Pearce requesting deferral;
- communication (November 8, 2001) from Judy Shiels, Burnhamthorpe Residents for Traffic Safety, requesting deferral;
- communication (November 9, 2001) from S. Goldwater requesting that noisy motorcycles not be permitted;
- communication (November 9, 2001) from Richard H. Boehnke requesting deferral;
- communication (undated) from Gail Cooper and Gerald William Cooper requesting that leaf blowers be banned;
- communication (November 12, 2001) from Pat Findlay requesting adequate funding, staffing, education and strict enforcement of the Noise By-law;
- communication (November 12, 2001) from Eric Greenspoon, President, NoiseWatch, submitting various recommendations concerning the new Noise By-law;
- communication (undated) from Larry Phillip Cappe forwarding comments regarding the Noise By-law;
- communication (November 12, 2001) from Patricia Welsh, SERRA, requesting deferral;

- communication (undated) from Judy Shiels, Burnhamthorpe Residents for Traffic Safety, forwarding concerns regarding the draft Noise By-law;
- communication (November 12, 2001) from Keith Stewart, Ph.D., Smog and Climate Change Coordinator, Toronto Environmental Alliance, supporting phasing out the use of gasoline-powered leaf blowers; and
- communication (undated) from the Organic Landscape Alliance opposing the use of leaf blowers.

(City Council at its meeting on December 4, 5 and 6, 2001, had before it, during consideration of the foregoing Clause, a confidential report (October 1, 2001) from the City Solicitor, such report to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, given that it is subject to solicitor-client privilege.)

(City Council also had before it, during consideration of the foregoing Clause, the following reports and communications:

- (i) (November 28, 2001) from the Commissioner of Urban Development Services;
- (ii) (November 26, 2001) from the Commissioner of Works and Emergency Services;
- (iii) (November 30, 2001) from the Medical Officer of Health;
- (iv) (November 16, 2001) from Mr. Temple W. Harris, President, Toronto Construction Association, submitted by Mayor Lastman;
- (v) (November 15, 2001) from Ms. Pat Findlay;
- (vi) (Undated) from Ms. Gail Pearce; and
- (vii) (November 21, 2001) from Ms. Dorothy Jamieson.)

(Having regard that City Council deferred consideration of this Clause to its next meeting scheduled to be held on February 13, 2002, the aforementioned reports and communications will be resubmitted to Council.)

(Councillor Korwin-Kuczynski, at the meeting of Council held on December 4, 5 and 6, 2001, declared an interest in the foregoing Clause, in that he owns a leaf blower.)

(City Council on February 13, 14 and 15, 2002, had before it, during consideration of the foregoing Clause, a report (February 1, 2002) from the Commissioner of Economic Development, Culture and Tourism, entitled “Parks and Recreation Use of Leafblowers, and the Potential Impact on the Landscape Industry of Restrictions on the use of Leafblowers”.)

(City Council again had before it, during consideration of the foregoing Clause, the following:

- (i) (January 30, 2002) a report from the Commissioner of Works and Emergency Services, entitled “Noise Amelioration for Highways, Especially 400 Series Highways – All Wards”;

- (ii) (October 1, 2001) confidential report from the City Solicitor, such report to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, given that it is subject to solicitor-client privilege;
- (iii) (November 28, 2001) report from the Commissioner of Urban Development Services, entitled “Supplementary Report on the Harmonization of the Noise By-law”;
- (iv) (November 26, 2001) report from the Commissioner of Works and Emergency Services, entitled “Harmonization of the Noise By-law – All Wards”; and
- (v) (November 30, 2001) report from the Medical Officer of Health, entitled “Research Available on the Health Impact of Road Traffic Noise”.)

(City Council also had before it, during consideration of the foregoing Clause, communications from the following forwarding comments with respect to the harmonization of the Noise By-law:

- (i) (November 16, 2001) from Mr. Temple W. Harris, President, Toronto Construction Association, submitted by Mayor Lastman;
- (ii) (November 15, 2001, from Ms. Pat Findlay;
- (iii) (Undated) and (February 7, 2002) from Ms. Gail Pearce;
- (iv) (November 21, 2001) from Ms. Dorothy Jamieson;
- (v) (February 8, 2002) from Dr. Andrew Malcolm;
- (vi) (February 8, 2002) from Mr. John Liss;
- (vii) (February 10, 2002) from Mr. Mike Clancy;
- (viii) (February 11, 2002) from Mr. Eric Greenspoon, President, Noise Watch;
- (ix) (February 12, 2002) from Ms. Monica Hypher and Mr. Brian Byrnes; and
- (x) (February 14, 2002) from Mr. Salvatore Morra, Executive Director, Greater Toronto Sewer and Watermain Contractors Association.)

(Having regard that City Council deferred consideration of this Clause to its next regular meeting scheduled to be held on April 16, 2002, the aforementioned reports and communications will be resubmitted to Council.)

(City Council on April 16, 17 and 18, 2002, had before it, during consideration of the foregoing Clause, a joint report (April 2, 2002) from the Chairs of the Planning and Transportation Committee, the Works Committee, the Board of Health and the Economic Development and Parks Committee reporting on discussions concerning outstanding issues on the harmonization of the Noise By-law.)

(City Council again had before it, during consideration of the foregoing Clause, the following:

- (i) (January 30, 2002) report from the Commissioner of Works and Emergency Services, entitled “Noise Amelioration for Highways, Especially 400 Series Highways – All Wards”;*

- (ii) *(October 1, 2001) confidential report from the City Solicitor, such report to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, given that it is subject to solicitor-client privilege;*
- (iii) *(November 28, 2001) report from the Commissioner of Urban Development Services, entitled “Supplementary Report on the Harmonization of the Noise By-law”;*
- (iv) *(November 26, 2001) report from the Commissioner of Works and Emergency Services, entitled “Harmonization of the Noise By-law – All Wards”;*
- (v) *(November 30, 2001) report from the Medical Officer of Health, entitled “Research Available on the Health Impact of Road Traffic Noise”;* and
- (vi) *(February 1, 2002) report from the Commissioner of Economic Development, Culture and Tourism, entitled “Parks and Recreation Use of Leafblowers, and the Potential Impact on the Landscape Industry of Restrictions on the use of Leafblowers”.)*

(City Council also had before it, during consideration of the foregoing Clause, communications from the following forwarding comments with respect to the harmonization of the Noise By-law:

- (i) *(November 16, 2001) from Mr. Temple W. Harris, President, Toronto Construction Association, submitted by Mayor Lastman;*
- (ii) *(November 15, 2001, from Ms. Pat Findlay;*
- (iii) *(undated) and (February 7, 2002) from Ms. Gail Pearce;*
- (iv) *(November 21, 2001) from Ms. Dorothy Jamieson;*
- (v) *(February 8, 2002) from Dr. Andrew Malcolm;*
- (vi) *(February 8, 2002) from Mr. John Liss;*
- (vii) *(February 10, 2002) from Mr. Mike Clancy;*
- (viii) *(February 11, 2002) from Mr. Eric Greenspoon, President, Noise Watch;*
- (ix) *(February 12, 2002) from Ms. Monica Hypher and Mr. Brian Byrnes;*
- (x) *(February 14, 2002) from Mr. Salvatore Morra, Executive Director, Greater Toronto Sewer and Watermain Contractors Association; and*
- (xi) *(February 5, 2002) from Mr. Tony Dionisio, Business Manager, Universal Workers Union, Local 183.)*

(Having regard that City Council deferred consideration of this Clause to its next regular meeting scheduled to be held on May 21, 2002, the aforementioned reports and communications will be resubmitted to Council.)