

Authority: Planning and Transportation Committee Report No. 5, Clause No. 1,  
adopted as amended, by City of Toronto Council on May 21, 22 and 23, 2002  
Enacted by Council: June 20, 2002

## **CITY OF TORONTO**

### **BY-LAW No. 476-2002**

#### **To adopt a new City of Toronto Municipal Code Chapter 591, 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 to pass this by-law under section 178 of the *Environmental Protection Act*, R.S.O. 1990, c. E.19, and paragraph 138 of section 210 of the *Municipal Act*, R.S.O. 1990, c. M.45;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Except for the purposes set out in section 2, the following by-laws are repealed:
  - A. Bylaw No. 71-89 of the former Borough of East York, as amended.
  - B. Chapter 174, Noise, of the Municipal Code of the former City of Etobicoke.
  - C. By-law Nos. 31857 and 31317 of the former City of North York, as amended.
  - D. By-law Nos. 16575 and 24389 of the former City of Scarborough, as amended.
  - E. Article I, Noise Restrictions Generally, of Chapter 241, Noise, of the Municipal Code of the former City of Toronto.
  - F. Chapter 895, Noise, and Chapter 896, Noise – Unusual – Likely to Disturb, of the Municipal Code of the former City of York.
2. Where a person is alleged to have contravened a by-law listed in section 1 before the date this by-law comes into force, the by-law listed in section 1 continues to apply for the purposes of any enforcement proceedings brought against the person until the proceedings have been concluded.
3. This by-law shall come into force on the day it is approved by the Minister of the Environment.

4. The City of Toronto Municipal Code is amended by adding the following as Chapter 591, Noise:

**“Chapter 591  
NOISE**

**ARTICLE I  
Interpretation**

**§ 591-1. Interpretation.**

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

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

COMMISSIONER - the Commissioner of Urban Development Services or his or her designate.

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

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

CONVEYANCE - Includes a vehicle and any other device employed to transport a person or persons or goods from place to place.

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

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

**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*;

**NOISE** - Unwanted sound.

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

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

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

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

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

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

C. Zones.

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

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

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

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

**ARTICLE II**  
**General Provisions**

**§ 591-2. General prohibition.**

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

**§ 591-3. Specific prohibitions.**

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

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

**§ 591-4. Prohibitions by time and place.**

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

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

- (1) 7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.
- (2) 9:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.
- (3) 11:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.

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

**TABLE – PROHIBITIONS BY TIME AND PLACE**

Type of Act	Prohibited Period of Time	
	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.(7)	B.(7)
6. The operation of any power device.	B.(1)	B.(2)
7. Operation or use of any tool or device for domestic purposes, except power devices and snow blowers.	B.(6)	B.(2)
8. Activation of a security alarm resulting in sound for a duration in excess of 5 minutes.	At all times	At all times
9. Vehicle repairs	At all times	B.(5)
10. Playing of music	At all times	B.(3)

**§ 591-5. 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 and 2 Areas (Urban)”.

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

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

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

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

**§ 591-8. Most restrictive provision applies.**

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

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

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

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

**§ 591-10. Grant of exemption by Council.**

- A. Despite anything contained in this article, any person may, no later than 90 days prior to the date for which the exemption is being requested, submit an application to the Commissioner for an exemption from any of the provisions of this article.
- B. The application mentioned in subsection A shall be made in writing, be accompanied by payment of the fees set out in §441-12A, and shall contain all of the following:
- (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 this article from which the 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 this article.
- C. 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. The Commissioner shall forward a copy of the report to the appropriate Community Council and to the applicant at the address shown on the application by prepaid regular mail.
- E. Publication of notice.
- (1) The applicant shall, at his or 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 is to be considered, and shall provide proof of publication to the satisfaction of the Commissioner prior to the application being considered by Community Council.
  - (2) The notice referred to in subsection (1) shall be in a form satisfactory to the Commissioner and shall contain the information required by subsections B(1)-(7) 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. The charges payable for monitoring by City staff are set out in § 441-12B.

G. 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.

H. Despite anything contained in this section, where an application for an exemption is made by the City or any of its agencies, boards or commissions:

- (1) The application and report shall be submitted directly to the appropriate Community Council by the City department, agency, board or commission seeking the exemption.
- (2) The application fee in subsection B shall not apply.
- (3) The requirement to publish notice of the application shall not apply.

**§ 591-11. Offence.**

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

5. The schedule and publications attached to this by-law shall form part of Chapter 591, Noise.

ENACTED AND PASSED this 20th day of June, A.D. 2002.

CASE OOTES,  
Deputy Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

This By-law is approved pursuant to the provisions of the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended, at Toronto, this                      day of July, 2002.

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Minister of the Environment

**SCHEDULE A TO CHAPTER 591, NOISE**

Publications Forming Part of this Chapter

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















































































































































