

Authority: Policy and Finance Committee Report No. 8, Clause No. 18,
adopted as amended, by City of Toronto Council on July 22, 23 and 24, 2003
Enacted by Council: July 24, 2003

CITY OF TORONTO

BY-LAW No. 693-2003

To amend City of Toronto Municipal Code Chapter 591, Noise, to revise the process for obtaining an exemption and to prohibit persistent animal noise, and to make consequential amendments to Municipal Code Chapter 441, Fees.

WHEREAS Council has authority to pass this by-law under sections 129 and 391 of the *Municipal Act, 2001*;

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

1. Chapter 591, Noise, of the Toronto Municipal Code is amended as follows:

A. By repealing § 591-10 and substituting the following:

“§ 591-10. Exemptions.

A. Any person may apply for a permit for an exemption from a noise prohibition or noise limitation provision in this chapter, in connection with an event or activity, by filing with the Commissioner the following:

- (1) An application in the form prescribed by the Commissioner; and
- (2) The non-refundable application fee set out in § 441-12A.

B. Upon receipt of an application under Subsection A, the Commissioner shall give written notice to the Councillor of any ward where the event or activity is to be held and, where the event or activity is to be held on a boundary street between wards, to the Councillors of the adjoining wards.

C. The Commissioner shall issue a permit if all of the following conditions have been met:

- (1) All of the Councillors notified under Subsection B have either:
 - (a) Not responded within 14 days of the notice; or
 - (b) Responded indicating that they have no objection to the application being approved.
- (2) The applicant has complied with all terms and conditions of approval of the last permit issued to them under this section, if any.

- (3) The applicant has provided the following:
 - (a) The applicant's name, address, and telephone number;
 - (b) The date, time and location of the event or activity for which the permit is sought and where applicable, the number of people expected to attend;
 - (c) The purpose for which the permit is required;
 - (d) The description of any sound or construction equipment to be used;
 - (e) The name, address and telephone number of at least one contact person who will supervise the event or activity; and
 - (f) A written undertaking that one or more contact persons responsible for supervising the event or activity will be on-site during the entire event or activity to ensure compliance with the terms and conditions of the permit.
- (4) The applicant enters into a written agreement satisfactory to the Commissioner concerning compliance with the terms and conditions of the permit.
- (5) The applicant has paid all required fees.

D. A permit issued under Subsection C shall be subject to the following terms and conditions:

- (1) The sound emitted from any equipment shall not exceed an Equivalent Sound Level (Leq) of 85 dBA when measured 20 metres from the source over a five-minute period.
- (2) Where the sound level exceeds 85 dBA, the applicant shall comply with any request made by an officer of the Toronto Police Service or a municipal standards officer of the Municipal Licensing and Standards Division with respect to the volume of sound from the equipment to ensure compliance with Subsection D(1).
- (3) No sound or construction equipment other than the equipment approved under the permit shall be used by the applicant;
- (4) The event or activity shall be restricted to the approved location; and
- (5) The permission granted is for the date and times for the event or activity as set out in the permit.

- E. Where the Commissioner refuses to grant a permit under this section, the applicant shall be notified in writing and advised that they may appeal the Commissioner's decision to the Community Council which has jurisdiction for the location of the proposed event or activity by filing an appeal within 21 days of the date of the notice, along with the applicable fee as set out in § 441-12A, with the City Clerk at the address shown on the notice.
- F. Notice of hearing shall be sent to all residents within 100 metres of the location where the event or activity is proposed to be held as shown on the last revised assessment rolls and at the applicant's expense.
- G. Where the location of the proposed event or activity under appeal falls on the boundary street of more than one Community Council, each affected Community Council shall provide its recommendations to the Planning and Transportation Committee for its consideration of the appeal under Subsection E.
- H. Council may issue or refuse a permit.
- I. If Council issues a permit, the permit is subject to the conditions set out in Subsection D, unless Council provides otherwise, and to any other conditions respecting health, safety and nuisance as Council considers advisable.
- J. Council may require, as a condition of approval, that City staff monitor the sound levels resulting from the event or activity at the expense of the applicant. The charges payable to the City for this monitoring are set out in § 441-12B.
- K. Despite anything contained in this section, where an application for a permit is made by the City or any of its agencies, boards or commissions:
 - (1) The application shall be submitted directly to the Commissioner by the City department, agency, board or commission seeking the permit.
 - (2) The fees in § 441-12A do not apply.
 - (3) Subsections C(3)(e) and (f) do not apply".
- B. By adding a new row to the Table to § 591-4 containing the words "11. Persistent barking, calling or whining or other similar persistent noise-making by any animal kept or used for any purpose" in the column headed "Type of Act" and the words "At all times" in each of the columns headed "Quiet Zone" and "Residential Area".

2. Chapter 441, Fees, of the Toronto Municipal Code is amended as follows:

A. By amending § 441-12A as follows:

- (1) Deleting the words “Preparation of report” from Column 1 and substituting the words “Permit application fee”; and
- (2) Deleting the words “Preparation of agenda material” and “\$100” from the last row of the table and substituting a new row containing the words “Appeal application fee” and “\$200” in Columns 1 and 2 respectively.

B. By amending § 441-12B by deleting the word “§ 591-10F(5)” and substituting the word “§ 591-10J”.

ENACTED AND PASSED this 24th day of July, A.D. 2003.

CASE OOTES,
Deputy Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)