

Attachment 1: Proposed Chapter 591, Noise

Chapter 591

NOISE

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ARTICLE I
Interpretation

§ 591-1. Interpretation.

A. Definitions.

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

APPROVED SOUND METER - means an instrument calibrated to measure levels of sound pressure in accordance with the minimum specifications for type 2 general purpose sound level meters set out under ANSI S1.4 or IEC 123, and has been approved for use by the Executive Director.

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, but does not include any such device or vehicle if operated within the premises of a person.

dB(A) means the sound pressure level in decibels measured using the "A" weighting network setting of an approved sound meter and with slow response;

dB(C) means the sound pressure level in decibels measured using the "C" weighting network setting of an approved sound meter and with slow response;

EXECUTIVE DIRECTOR - the Executive Director, Municipal Licensing and Standards or his or her designate.

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.

Leq - means the equivalent sound level of a steady state sound which has the same sound energy as that contained in the actual time-varying sound being measured over a specific time period.

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*.

NECESSARY MUNICIPAL WORK:

- A. Construction, rehabilitation or maintenance processes using construction equipment conducted by the City, the Province of Ontario, the Government of Canada and any of their agencies or agents that must be performed at times that minimize lane closures or lane reductions, or both, of City streets, or that minimize disruption to the construction and/or operation of transit systems or any ancillary facilities associated with the transit system.
- B. The definition of Necessary Municipal Work includes but is not limited to the emission of sound in connection with measures undertaken for:
 - (1) the immediate health, safety or welfare of the inhabitants of the City under emergency circumstances;
 - (2) any emergency requiring immediate action for the construction, preservation, restoration or demolition of any highway.

NOISE - Unwanted sound.

NOISE MITIGATION PLAN - A plan as required by this chapter.

OFFICER – Any person whose duties include the enforcement of this chapter and for greater clarity includes a Police Officer.

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.

SOUND DEVICE - 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.

SOUND LEVEL - means the sound pressure level in decibels measured using the "A" or "C" weighting network setting of an approved sound meter and with slow response.

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.

B. 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.

ARTICLE II General Provisions

§ 591-2. General prohibition.

No person shall make, cause or permit noise, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the City during the following time periods:

- A. in a residential area:
 - (1) before 7:00 a.m. and after 11:00 p.m. Monday through Friday;
 - (2) before 9:00 a.m. and after 11:00 p.m. on Saturdays, Sundays and Statutory Holidays

- B. in a quiet zone:
 - (1) before 7:00 a.m. and after 7:00 p.m. Monday through Friday;
 - (2) before 9:00 a.m. and after 7:00 p.m. on Saturdays;
 - (3) All day Sunday and Statutory Holidays

§ 591-3. Specific exemptions.

Despite any other provision of this chapter, it shall be lawful to emit or cause or permit the emission of sound:

- A. from bells or sirens required for the purposes of public safety. This includes but is not limited to, sirens when operated by Police Services, Fire and Paramedic Services, or bells or whistles operated by rail or transit services.
- B. in connection with measures undertaken for the immediate health, safety or welfare of the inhabitants of the City under emergency circumstances.
- C. from a stationary source where the emission of sound is in compliance with an environmental compliance approval that has been granted when that approval includes an agreement for noise mitigation.

§ 591-4. Specific prohibitions.

- A. Loudspeakers and other amplified sound.
 - (1) No person shall operate or permit the operation of a sound device if when measured on an

approved sound meter for a period of three minutes at a point of reception:

(a) in a residential area:

- [1] before 7:00 a.m. and after 11:00 p.m. Monday through Friday, the sound level exceeds a rating of 45dB(A) or 65 dB(C);
- [2] after 7:00a.m. and before 11:00 p.m. Monday through Friday, the sound level exceeds a rating of 85 dB(A) or 105 dB(C);
- [3] before 9:00 a.m. and after 11:00 p.m. on Saturdays, Sundays and Statutory Holidays, the sound level exceeds a rating of 45 dB(A) or 65 dB(C);
- [4] after 9:00a.m. and before 11:00 p.m. on Saturdays, Sundays and Statutory Holidays, the sound level exceeds a rating of 85 dB(A) or 105 dB(C);

(b) in a quiet zone:

- [1] before 7:00 a.m. and after 7:00 p.m. Monday through Friday, the sound level exceeds a rating of 45 dB(A) or 65 dB(C);
- [2] after 7:00 a.m. and before 7:00 p.m. Monday through Friday, the sound level exceeds a rating of 50 dB(A) or 70 dB(C);
- [3] before 9:00 a.m. and after 7:00 p.m. on, Saturdays, the sound level exceeds a rating of 45 dB(A) or 65 dB(C);
- [4] after 9:00 a.m. and before 7:00 p.m. on, Saturdays, the sound level exceeds a rating of 50 dB(A) or 70 dB(C);
- [5] All day on Sundays and Statutory Holidays, the sound level exceeds a rating of 45dB(A) or 65 dB(C).

(c)

B. Construction.

(1) No person shall emit or cause or permit the emission of sound resulting from any operation of construction equipment or any construction activity, if it is clearly audible at a point of reception:

(a) in a residential area:

- [1] from 7:00 p.m. to 7:00 a.m. the next day;
- [2] before 9:00 a.m. and after 7:00 p.m. on Saturdays
- [3] All day Sunday and Statutory Holidays

(b) in a quiet zone:

- [1] from 7:00 p.m. to 7:00 a.m. the next day;
- [2] before 9:00 a.m. and after 7:00 p.m. on Saturdays
- [3] All day Sunday and Statutory Holidays

(2) Subsection B(1) does not apply to Necessary Municipal Work.

C. Motor vehicles.¹

- (1) 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.

D. Animals.

No person shall emit, cause or permit persistent barking, calling or whining, or other similar persistent noise-making by any animal kept or used for any purpose at any time.

E. Security Alarms.

No person shall emit, cause or permit the activation of a security alarm resulting in sound for a duration in excess of 5 minutes at any time.

§ 591-5. Limitation on sound levels for residential air conditioners.

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."

¹ Persons who operate motor vehicles are also subject to comply with the Ontario Highway Traffic Act.

591-6. 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.

§ 591-7. 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.

§ 591-8. 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 any event or activity or series of events or activities, by filing with the Executive Director the following:
- (1) An application in the form prescribed by the Executive Director; and
 - (2) The non-refundable application fee set out in Chapter 441, Fees and Charges.
- B. Upon receipt of an application under Subsection A, the Executive Director shall give written notice to the Councillor of any ward where the event(s) or activity(ies) is to be held and, where the event(s) or activity(ies) may impact adjoining wards, to the Councillors of the adjoining wards.
- C. The Executive Director 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 Executive Director concerning compliance with the terms and conditions of the permit and such agreement shall include a noise mitigation plan.
- (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 of 85 dB(A) or 105 dB(C) when measured from the point of reception over a five-minute period;
- (2) Where the sound level exceeds 85 dB(A) or 105 dB(C), the applicant shall comply with any request made by an officer 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;
- (5) The permission granted is for the date and times for the event or activity as set out in the permit; and
- (6) Any other terms and conditions considered appropriate or necessary by the Executive Director.

E. Every person who obtains a permit under this section shall comply with the terms and conditions of that permit, including, without limitation, terms and conditions restricting the sound or construction equipment to be used, location, date, times, or number of attendees for the event or activity for which authorization is granted in the permit, or any condition or requirement established by a noise mitigation plan.

F. Where the Executive Director refuses to grant a permit under this section, the applicant shall be notified in writing and advised that they may appeal the Executive Director's decision to the community council which has jurisdiction for the location of the proposed event(s) or activity(ies).

G. The application for appeal may be made by filing an appeal within 21 days of the date of the notice, along with the applicable fee as set out in Chapter 441, Fees and Charges, with the City Clerk at the address shown on the notice.

H. 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.

I. Where the location of the proposed event(s) or activity(ies) under appeal falls on the boundary street of more than one community council, each affected community council shall provide its recommendations to Council for its consideration of the appeal under Subsection E.

J. Council, or the community council under delegated authority, may issue or refuse a permit.

- K. If the community council under delegated authority or Council issues a permit, the permit is subject to the conditions set out in Subsection D, unless the community council under delegated authority or Council provides otherwise, and to any other conditions respecting health, safety and nuisance as the community council under delegated authority or Council considers advisable.
- L. A community council under delegated authority or Council may require, as a condition of approval, that City staff monitor the sound levels resulting from the event or activity at the expense of the applicant. The charges payable to the City for this monitoring are set out in Chapter 441, Fees and Charges.
- M. The Executive Director may revoke an exemption permit if:
 - (1) the applicant does not comply with the terms and conditions of the permit; or
 - (2) the Executive Director has reasonable grounds to believe that the application for the exemption permit contains false, erroneous or misleading information.
- N. Despite anything contained in this section, where an application for a permit is made by the City or any of its agencies, boards or commissions:
 - (1) The application shall be submitted directly to the Commissioner by the City department, agency, board or commission seeking the permit.
 - (2) The fees in Chapter 441, Fees and Charges, do not apply
 - (3) Subsections C(3)(e) and (f) do not apply

§ 591-9. Noise Mitigation Plan.

- A. The Executive Director may require any person to prepare and submit a noise mitigation plan, in a form and content satisfactory to the Executive Director, if the Executive Director is of the opinion that a noise mitigation plan is necessary to achieve compliance with this chapter.
- B. A noise mitigation plan shall:
 - (1) set out, with necessary particulars, all noise mitigation measures the person will implement to achieve compliance with this chapter; and
 - (2) provide any other information required by the Executive Director.
- C. Approval.
 - (1) If the noise mitigation plan is satisfactory to the Executive Director, the Executive Director shall approve the noise mitigation plan and inform the person who submitted the noise mitigation plan.
 - (2) If the noise mitigation plan is not satisfactory to the Executive Director, the person required to submit the noise mitigation plan shall be notified and shall revise the noise mitigation plan until it is approved under subsection C(1).
- D. No person shall take any action, fail to take any action, or cause another person to do the same where

that action or failure to act would result in a breach of a condition or requirement established by a noise mitigation plan.

§ 591-10. Offences and Penalties.

- A. Every person who contravenes any provision of this chapter is guilty of an offence and on conviction is liable to a fine of not less than \$500 and no more than \$100,000.
- B. Every person who contravenes any provision of this chapter may be liable, in addition to the fine provided for in Subsections A, to a special fine of not less than \$500 designed to eliminate or reduce any economic advantage or gain from contravening this chapter.
- C. In addition to offences referred to in Subsection A, every person is guilty of an offence under this chapter who:
 - (1) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this chapter;
 - (2) Neglects or refuses to produce or provide any information or thing to any person acting pursuant to an order made under section 378 of the City of Toronto Act, 2006;
 - (3) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this chapter.
- D. Where a corporation contravenes any of the provisions of this chapter, every director or officer who concurs in such contravention is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.
- E. Each offence is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues, a minimum fine of no less than \$500 and a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.

§ 591-11. Transition.

The provisions of this Chapter do not apply to exemption permits granted before the date that this by-law comes into force, provided that such permit holders shall continue to comply with the terms and conditions of their original permits and agreements, and that such permits and agreements are not revoked, terminated or expired.

ARTICLE III

Railway Whistles

[Added 2004-09-30 by By-law No. 795-2004]

§ 591-10. Definitions.

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

CN - Canadian National Railway.

CP - Canadian Pacific Railway.

GO - Go Transit.

§ 591-11. Prohibited locations.

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

No.	Railway	Subdivision, Branch or other Trackage	Mileage	Street Name
A.	Go	Uxbridge Subdivision	55.73	Sheppard Avenue East in the vicinity of the Agincourt Go Station
B.	Go	Uxbridge Subdivision	55.44	Marilyn Avenue in the vicinity of the Agincourt Go Station
C.	Go	Uxbridge Subdivision	60.19	Danforth Road west of Midland Avenue
D.	Go	Uxbridge Subdivision	59.96	Corvette Avenue pedestrian crossing mile 59.96 Uxbridge Subdivision

Attachment 2: Proposed Amendments to Chapter 591, Noise

Definitions and Schedule A

Current Provision	Proposed Change and Rationale
<p>591-1 Interpretation All words with a technical nature share have the meanings specified for them in Publication NPC-101 Technical Definitions Other interpretations</p> <ol style="list-style-type: none"> 1. Commissioner 2. Construction 3. Construction equipment 4. Continuous pouring of concrete 5. Conveyance 6. Highway 7. Inhabitants 8. Large crane work 9. Motor vehicle 10. Necessary municipal work 11. Noise 12. Place of worship 13. Point of reception 14. Power device 15. Property 16. Publication 17. Regular business hours 18. Stationary sources 19. Quiet zone 20. Residential area 	<p>21. Replace Commissioner with Executive Director, Municipal Licensing and Standards.</p> <p>22. Add definition for:</p> <ul style="list-style-type: none"> ○ noise mitigation plan <ul style="list-style-type: none"> ▪ A plan as required by this chapter. ○ sound level <ul style="list-style-type: none"> ▪ The sound pressure level in decibels measured using the "A" or "C" weighting network setting of an approved sound meter with slow response. ○ officer <ul style="list-style-type: none"> ▪ Any person whose duties include the enforcement of this chapter and for greater clarity includes a Police Officer. ○ Leq <ul style="list-style-type: none"> ▪ Means the equivalent sound level of a steady state sound which has the same sound energy as that contained in the actual time-varying sound being measured over a specific period of time. ○ approved sound meter <ul style="list-style-type: none"> ▪ Means an instrument calibrated to measure levels of sound pressure in accordance with the minimum specifications for type 2 general purpose sound level meters set out under ANSI S1.4 or IEC 123, and has been approved for use by the Executive Director. ○ dB(A) and dB(C) <ul style="list-style-type: none"> ▪ dB(A) means the sound pressure level in decibels measured using the "A" weighting network setting of an approved sound meter and with slow response. ▪ dB(C) means the sound pressure level in decibels measured using the "C" weighting network setting of an approved sound meter with slow response. <p>23. Remove definition for:</p> <ul style="list-style-type: none"> ○ continuous pouring of concrete ○ regular business hours <p>24. Revised definition for:</p> <ul style="list-style-type: none"> ○ necessary municipal work <p>A. Construction, rehabilitation or maintenance processes using construction equipment conducted by the City, the province of Ontario, the Government of Canada and any of their agencies or agents that must be performed at times that minimize lane closures or lane reductions, or both, of City streets, or that minimize disruption to the construction and/or operation of transit systems or any ancillary facilities associated with the transit system.</p> <p>B. The definition of Necessary Municipal Work includes but is not limited to the</p>

Current Provision	Proposed Change and Rationale
	<p>emission of sound in connection with measures undertaken for:</p> <ol style="list-style-type: none"> <li data-bbox="553 344 1523 411">(1) the immediate health, safety or welfare of the inhabitants of the City under emergency circumstances; <li data-bbox="553 447 1393 514">(2) any emergency requiring immediate action for the construction, preservation, restoration or demolition of any highway. <p>Rationale:</p> <ul style="list-style-type: none"> <li data-bbox="459 583 1149 611">• Commissioner out-of-date, no longer use this structure. <li data-bbox="459 617 1523 684">• Noise mitigation plan is not interpreted and currently required in practice but not in the by-law. <li data-bbox="459 690 1503 718">• Added definitions address the recommendation to use dB(A) and dB(C) sound limits. <li data-bbox="459 724 1433 751">• Removed definitions where the word no longer appears in the amended by-law. <li data-bbox="459 758 1495 785">• Added definition of officer and revised necessary municipal work to increase clarity.
Schedule A Publications	<ul style="list-style-type: none"> <li data-bbox="459 831 602 858">• Remove <p>Rationale: Outdated.</p>

Attachment 3: Proposed Amendments to Chapter 591, Noise

General and Specific Prohibitions

Current Provision	Proposed Change and Rationale
<p>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.</p>	<p>Reword provision to: No person shall make, cause or permit noise, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the City during the following time periods:</p> <p>(1) A. in a residential area:</p> <p style="padding-left: 40px;">(1) from 11:00 p.m. to 7:00 a.m. the next day;</p> <p style="padding-left: 40px;">(2) before 9:00 a.m. and after 11:00 p.m. on Saturdays , Sundays and Statutory Holidays</p> <p>B. in a quiet zone:</p> <p style="padding-left: 40px;">(1) from 7:00 p.m. to 7:00 a.m. the next day;</p> <p style="padding-left: 40px;">(2) before 9:00 a.m. and after 7:00 p.m. on Saturdays</p> <p style="padding-left: 40px;">(3) All day Sunday and Statutory Holidays</p> <p>Rationale:</p> <ul style="list-style-type: none"> • Aligns with provincial standards and other time and place prohibitions in the by law. • More consistent. Identifying consistent prohibited times regardless of type of noise makes the by-law clearer and easier to comply with. • Less restrictive (proposed changes permits noise on Sundays and statutory holidays during certain time periods and prohibits noise during other time periods) • Setting time periods for when noise is "likely to disturb" increases objectivity and ensures the by-law is less subject to multiple interpretations. • Removes duplication as construction vibration is covered under Chapter 363.

Current Provision	Proposed Change and Rationale
<p>New</p>	<p>For additional clarity add specific exemption section for:</p> <ul style="list-style-type: none"> • A. from bells or sirens required for the purposes of public safety. This includes but is not limited to, sirens when operated by Police Services, Fire and Paramedic Services, or bells or whistles operated by rail or transit services. • B. in connection with measures undertaken for the immediate health, safety or welfare of the inhabitants of the City under emergency circumstances. • C. from a stationary source where the emission of sound is in compliance with an environmental compliance approval that has been granted when that approval includes an agreement for noise mitigation.
<p>591-2.1 Specific Prohibitions A. Loudspeakers and other amplified sound projected on streets or public places (1) No person shall emit or cause or permit the emission of sound resulting from the operation of any electronic device or a group of connect electronic devices incorporating one or more loudspeakers or other electro mechanical transducers, and intended for the production, reproduction or amplification of sound, that projects noise beyond the lot line of the property from which the noise emanates and into any street or public space. (2) A(1) does not apply to a security alarm, if the activation of the security alarm results in sound for a duration of not more than five minutes.</p>	<p>Reword to: A. Loudspeakers and other amplified sound projected on public places or private property</p> <p>(1) No person shall operate or permit the operation of a sound device if when measured on an approved sound meter for a period of five minutes at a point of reception:</p> <p>(a) in a residential area:</p> <p>[1] before 7:00 a.m. and after 11:00 p.m. Monday through Friday, the sound level exceeds a rating of 45dB(A) or 65 dB(C);</p> <p>[2] after 7:00a.m. and before 11:00 p.m. Monday through Friday, the sound level exceeds a rating of 85 dB(A) or 105 dB(C);</p> <p>[3] before 9:00 a.m. and after 11:00 p.m. on Saturdays, Sundays and Statutory Holidays, the sound level exceeds a rating of 45 dB(A) or 65 dB(C);</p> <p>[4] after 9:00a.m. and before 11:00 p.m. on Saturdays, Sundays and Statutory Holidays, the sound level exceeds a rating of 85 dB(A) or 105 dB(C);</p> <p>(b) in a quiet zone:</p> <p>[1] before 7:00 a.m. and after 7:00 p.m. Monday through Friday, the sound level exceeds a rating of 45 dB(A) or 65 dB(C);</p> <p>[2] after 7:00 a.m. and before 7:00 p.m. Monday through Friday, the sound level exceeds a rating of 50 dB(A) or 70 dB(C);</p>

Current Provision	Proposed Change and Rationale
	<p>[3] before 9:00 a.m. and after 7:00 p.m. on, Saturdays, the sound level exceeds a rating of 45 dB(A) or 65 dB(C);</p> <p>[4] after 9:00 a.m. and before 7:00 p.m. on, Saturdays, the sound level exceeds a rating of 50 dB(A) or 70 dB(C);</p> <p>[5] All day on Sundays and Statutory Holidays, the sound level exceeds a rating of 45 dB(A) or 65 dB(C).</p> <p>Rationale:</p> <ul style="list-style-type: none"> • Decibel limits are aligned with stakeholder and public feedback to use objective measures for noise. Setting objective measures protect both parties. • Easier to understand, to investigate and to comply with. • Identifies equivalent dB(C) measurements to account for amplified sound bass levels. These bass sounds may be highly disruptive to nearby residents but the dB(A) measure may not pick up the low frequency. • Identifies where measurements should be taken from, the type of approved equipment and a process for enforcement. • Provision is more inclusive of sounds disrupting neighbouring residents (sounds extended into their private property)
<p>B. Construction</p> <p>(1) No person shall emit or cause or permit the emission of sound resulting from any operation of construction equipment or any construction, if it is clearly audible at a point of reception:</p> <p>(a) In a quiet zone or residential area within the prohibited period of 7:00 p.m. one day to 7:00a.m. the next day, 9:00a.m. on Saturdays, and all day Sunday and statutory holidays; or</p> <p>(b) In any other area within the prohibited period of all day Sunday and statutory holidays.</p> <p>(2) Subsection B(1) does not apply to the continuous pouring of concrete, large crane work, necessary municipal work and emergency work that cannot be performed during regular business hours.</p>	<p>Reword to:</p> <p>Construction.</p> <p>(1) No person shall emit or cause or permit the emission of sound resulting from any operation of construction equipment or any construction activity, if it is clearly audible at a point of reception:</p> <p>(a) in a residential area:</p> <p>[1] from 7:00 p.m. to 7:00 a.m. the next day;</p> <p>[2] before 9:00 a.m. and after 7:00 p.m. on Saturdays</p> <p>[3] All day Sunday and Statutory Holidays</p> <p>(b) in a quiet zone:</p> <p>[1] from 7:00 p.m. to 7:00 a.m. the next day;</p> <p>[2] before 9:00 a.m. and after 7:00 p.m. on Saturdays</p>

Current Provision	Proposed Change and Rationale
	<p>[3] All day Sunday and Statutory Holidays</p> <p>(2) Subsection B(1) does not apply to Necessary Municipal Work.</p> <p>Rationale:</p> <ul style="list-style-type: none"> • Removing special exemption for continuous pouring of concrete and large crane work because of the rise in the number of complaints and because there is an existing exemption application process. The exemption process enables the City to add a condition of a noise mitigation plan to proactively reduce the disruption to residents. • Broadens exemptions for construction activities undertaken by the federal, provincial and municipal governments including their agents and agencies.
<p>C. Major Transit Projects</p> <p>(1) As used in Subsection C, the following terms have the meanings indicated:</p> <ul style="list-style-type: none"> • Civil Construction Activities • Major Transit Projects <p>(2) With the exception of subsection C (3), no other provision of this chapter shall apply to the emission of sound or vibrations resulting from construction work required to be performed for the purposes of a major transit project in order to expedite the completion of the major transit project and minimize lane closures or lane reductions, or both, of City streets, and disruption of the TTC’s subway or street car service or any ancillary facilities associated with the transit system.</p> <p>(3) All civic construction activities shall occur between 7:00am to 11:00pm, except in the case of an emergency as described in 591-9.</p>	<ul style="list-style-type: none"> • Remove provision. <p>Rationale:</p> <ul style="list-style-type: none"> • Unnecessary to list projects. Current projects listed are outdated. • Proposed exemption for necessary municipal work above removes the need for this section.
	<p>D. Animals.</p> <ul style="list-style-type: none"> • No person shall emit, cause or permit persistent barking, calling or whining, or other similar persistent noise-making by any animal kept or used for any purpose at any time. <p>Rationale: moved from 591-4 Prohibitions by place and time.</p>
<p>591-4 Prohibitions by time and place A</p>	<p>Remove.</p>

Current Provision	Proposed Change and Rationale
<p>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.</p>	<p>Rationale: To be covered under the general prohibition.</p>
<p>B Prohibited periods of time The prohibited periods of time as described in the table below shall be as follows:</p> <ol style="list-style-type: none"> (1) 7:00pm one day to 7:00am the next day, 9:00am Sundays and statutory holidays (2) 9:00pm one day to 7:00am the next day, 9:00am Sundays and statutory holidays (3) 11:00pm one day to 7:00am the next day, 9:00am Sundays and statutory holidays (4) 7:00pm one day to 7:00am the next day, and all Sunday and statutory holidays (5) 9:00pm one days to 7:00am the next day, and all day Sunday and statutory holidays (6) 7:00pm one day to 9:00am the next day, and all day Sunday and statutory holidays (7) 7:00pm one day to 7:00am the next day, 9:00am on Saturdays, Sundays and statutory holidays 	<p>Remove.</p> <p>Rationale: To be covered under the general prohibition.</p>
<p>Table –Prohibitions on time and place 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. Quiet Zone: at all times Residential Area B(2)</p>	<p>Remove.</p> <p>Rationale: To be covered under the general prohibition.</p>
<p>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. Quiet Zone: at all times Residential Are: B(3)</p>	<p>Remove.</p> <p>Rationale: To be covered under the general prohibition.</p>
<p>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. Quiet Zone: at all times Residential Zone: B(3)</p>	<p>Remove.</p> <p>Rationale: To be covered under the general prohibition.</p>
<p>4.Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers,</p>	<p>Remove.</p> <p>Rationale:</p>

Current Provision	Proposed Change and Rationale
products or materials. Quiet zone: B(4) Residential Area: B(3)	To be covered under the general prohibition.
5.Reserved	Remove.
6. The operation of any power device Quiet Zone: B(1) Residential Area: B(2)	Remove. Rationale: To be covered under the general prohibition.
7. Operation or use of any tool or device for domestic purposes, except power devices and snow blowers. Quiet zone: B(6) Residential Area: B(2)	Remove. Rationale: To be covered under the general prohibition.
8. Activation of a security alarm resulting in sound for a duration in excess of 5 minutes. Quiet Zone: At all times Residential Area: At all times	Move under the general prohibition Rationale: Increased clarity.
9. Vehicle repairs. Quiet Zone: At all times Residential Area: B(5)	Remove. Rationale: To be covered under the general prohibition.
10. Playing of music. Quiet Zone: At all times Residential Area: B(3)	Remove. Rationale: To be covered under the general prohibition.
11. Persistent barking, calling or whining or other similar persistent noise-making by any animal kept or used for any purpose Quiet Zone: At all times Residential Zone: At all times	Move to under the specific prohibition Rationale: Increased clarity.
12. Loading, unloading, delivering, packing, unpacking, or otherwise handling any animals, containers, products or materials at any abattoir. Quiet Zone: B(2) Residential Area: B(2)	Remove. Rationale: To be covered under the general prohibition.

Attachment 4: Proposed Amendments to Chapter 591, Noise

Stationary Sources

Current Provision	Proposed Change and Rationale
<p>591-5 General limitations on sound levels due to stationary sources</p> <p>A. No person shall emit or cause or permit the emission of sound from a stationary source such that the level of sound from that source at a point of reception located in a quiet zone or residential area exceeds the applicable sound level limit prescribed in Publication NPC-205 - "Sound Level Limits for Stationary Sources in Class 1 and 2 Areas (Urban)".</p> <p>B. Subsection A shall not apply to residential air-conditioning devices regulated under § 591-6.</p>	<ul style="list-style-type: none"> • Remove NPC-205 reference. • Indicate that Subsection A does not apply to stationary sources with Environmental Compliance Approval (ECA) and a noise mitigation plan. <p>Rationale:</p> <ul style="list-style-type: none"> • Update required as NPC 300 has replaced NPC 205. Align with NPC rather than referencing reduces the need to update the by-law if the NPC publication title changes. • Create a stand alone provision for ECA. Provision was unclear and needs to consider MOECC compliance approvals, land use planning decisions and Classes of urban areas set by MOE in the NPC-300. This relates particularly to the manufacturing industry.
<p>591-6 Limitation on sound levels for residential air conditioners</p> <p>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:</p> <p>(1) The device was manufactured prior to January 1, 1979.</p> <p>(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.</p> <p>(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.</p>	<p>Remove.</p> <p>Rationale:</p> <ul style="list-style-type: none"> • It is unlikely that air conditioners from 1979 are still operating. Despite that a device may have been compliant when new does not mean that it is compliant at present.

Attachment 5: Proposed Amendments to Chapter 591, Noise

Exemptions

Current Provision	Proposed Change and Rationale
<p>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 Chapter 441, Fees and Charges.</p>	<ul style="list-style-type: none"> • Commissioner needs to be replaced by Executive Director, MLS • Add "or series of events or activities" • Amend Chapter 441, fees and charges in order to allow for the collection of one fee where an exemption to Chapter 591 is sought for multiple, similar events. • Organize Exemptions provisions A-N by: <ul style="list-style-type: none"> ○ Application ○ Enforcement ○ Revocation <p>Rationale:</p> <ul style="list-style-type: none"> • Commissioner is out-of-date. • Allowing applicants to apply for a series of events will reduce the application burden and streamline the process. MLS is undertaking a separate review of 441 to ensure it continues to be based on cost recovery. • Re-organizing the provisions by application, enforcement and revocation will help to increase the clarity of this section of the by-law.
<p>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.</p>	<ul style="list-style-type: none"> • Replace "the Commissioner" with Executive Director Municipal Licensing and Standards. • Add plural (s) for event or activity • Amend "boundary street between wards" to "an area that could impact residents in adjoining wards" <p>Rationale:</p> <ul style="list-style-type: none"> • Commissioner is out-of-date. Broadening the 'boundary street' to 'an area' that could impact residents in adjoining wards enables Councillors of adjoining wards to have written notice about any events/activities that could impact their constituents even if it is taking place in another ward.
<p>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</p>	<ul style="list-style-type: none"> • Add the authority for the Executive Director to impose conditions to proactively monitor or mitigate noise such as a condition for a noise

Current Provision	Proposed Change and Rationale
<p>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.</p>	<p>mitigation plan or requiring an ML&S officer on site to monitor noise.</p> <ul style="list-style-type: none"> • Add the authority for the Executive Director to refuse a permit under certain circumstances (such as, a history of noise by-law convictions) <p>Rationale:</p> <ul style="list-style-type: none"> • Various internal divisions either require a noise mitigation plan or they discuss noise mitigation strategies with the applicant. • Adding this into the by-law will ensure that noise mitigation is a consistent condition of being granted a permit. • Adding in the authority to refuse expands on the opportunity to address history of noise convictions and resident concerns. • Adding in the authority to impose conditions enables the Executive Director to proactively address noise.
<p>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.</p>	<ul style="list-style-type: none"> • Keep dB(A) measurement the same. But add an equivalent bass level measure such as 105 dB(C) • Remove "20 meters from the source" and replace with point of reception. <p>Rationale:</p> <ul style="list-style-type: none"> • 85dB(A) remains consistent but dB(C) measurement is added to account for bass (low frequency) noise. • Point of reception accounts for the noise from an event that may be disrupting residents inside their private dwelling.
<p>E. Where the Commissioner refuses to grant a permit under this section, the applicant shall be notified in writing and advised that they may appeal the Commissioner's decision to the community council which has jurisdiction for the location of the proposed event or activity by filing an appeal within 21 days of the date of the notice, along with the applicable fee as set out in Chapter 441, Fees and Charges, with the City Clerk at the address shown on the notice.</p>	<ul style="list-style-type: none"> • Replace "the Commissioner" with Executive Director Municipal Licensing and Standards. <p>Rationale: Outdated</p>
<p>J. A community council under delegated authority or Council may require, as a condition of approval, that City staff monitor the sound levels resulting from the event or activity at the expense of the applicant. The charges payable to the</p>	<ul style="list-style-type: none"> • Add provision that gives the authority to the Executive Director of MLS to revoke permit if the applicant does not comply with the terms and conditions of the permit.

Current Provision	Proposed Change and Rationale
<p>City for this monitoring are set out in Chapter 441, Fees and Charges.</p>	<p>Rationale: The authority to revoke a permit will help to enforce the by-law in the event that the applicant is not complying with the terms and conditions of the permit.</p>
<p>K. Despite anything contained in this section, where an application for a permit is made by the City or any of its agencies, boards or commissions: (1) The application shall be submitted directly to the Commissioner by the City department, agency, board or commission seeking the permit. (2) The fees in Chapter 441, Fees and Charges, do not apply (3) Subsections C(3)(e) and (f) do not apply</p>	<ul style="list-style-type: none"> • Replace "the Commissioner" with Executive Director Municipal Licensing and Standards. <p>Rationale: Outdated</p>
<p>New</p>	<ul style="list-style-type: none"> • Add the authority for the Executive Director to revoke an exemption permit in the case of non-compliance with terms and conditions and/or public safety concerns <p>Rationale:</p> <ul style="list-style-type: none"> • The authority to revoke a permit will help to enforce the by-law in the event that the applicant is not complying with the terms and conditions of the permit or public safety concerns.
	<ul style="list-style-type: none"> • Add a provision for a Noise Mitigation Plan • Add a Transition Section • Move the exemption for public safety and highways under necessary municipal work. <p>Rationale:</p> <ul style="list-style-type: none"> • The noise mitigation plan is intended to be a tool to pro-actively ensure noise mitigation strategies are in place and implemented. • Transition section is intended to clarify that the amended by-law will apply to applications for the date the by-law comes into force. Existing permits and agreements made before that date will still apply. • The definition of necessary municipal work should include the exemption for public safety and highway work.

Attachment 6: Proposed Amendments to Chapter 591, Noise

Offences and Penalties

Current Provision	Proposed Change and Rationale
<p>591-11 Offences Any person who contravenes any provision of this article is guilty of an offence. Editor's Note: This section was passed under the authority of section 425 of the Municipal Act, 2001, S.O. 2001, c. 25, and, under section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, a person convicted of an offence under this section is liable to a fine of not more than \$5,000.</p>	<p>Amend to: 591-9. Offences and Penalties.</p> <p>A. Every person who contravenes any provision of this chapter is guilty of an offence and on conviction is liable to a fine of not less than \$500 and no more than \$100,000.</p> <p>B. Every person who contravenes any provision of this chapter may be liable, in addition to the fine provided for in Subsections A, to a special fine of not less than \$500 designed to eliminate or reduce any economic advantage or gain from contravening this chapter.</p> <p>C. In addition to offences referred to in Subsection A, every person is guilty of an offence under this chapter who:</p> <ol style="list-style-type: none"> (1) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this chapter; (2) Neglects or refuses to produce or provide any information or thing to any person acting pursuant to an order made under section 378 of the City of Toronto Act, 2006; (3) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this chapter. <p>D. Where a corporation contravenes any of the provisions of this chapter, every director or officer who concurs in such contravention is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.</p> <p>E. Each offence is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues, a minimum fine of no less than \$500 and a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.</p> <p>Direct The City Solicitor to:</p> <ul style="list-style-type: none"> • Apply to the attorney general to establish set fine for offences related to loudspeakers and other amplified sound. This would enable by-law officers who investigate noise complaints at licensed establishments to issue a tickets under Part I of the Provincial Offences Act. <p>Rationale: Penalties are outdated and not deterring offenders.</p>

Attachment 7: Summary of Online Survey for Chapter 591, Noise

Overview

In March 2015, Municipal Licensing and Standards launched the Chapter 591, Noise by-law review.

MLS began its initial round of consultation in April 2015 with a comprehensive online survey about noise and its impact. In addition to the online survey, the review also includes previously gathered feedback from the Outdoor Café by-law review from 2014, relating to noise from outdoor cafés and restaurants. The review also incorporates feedback gathered from a comprehensive Ipsos-Reid survey completed for the City of Toronto about construction, including construction noise and vibration.

The online survey was posted on the Municipal Licensing and Standards website www.toronto.ca/mlshaveyoursay and ran from March 31st to April 24th, 2015 and preliminary feedback was collected and the survey was re-circulated June 24th to September 14th, 2015. The purpose of the survey was to seek feedback from a broad range of Toronto residents and stakeholders to consider any changes which may be needed and to ensure that the by-law is current and easy for residents, property owners and business to understand.

The survey focused on questions that provided the public with the opportunity to submit detailed written responses on a range of noise issues. With over 5000 completed surveys, including over 2300 extensive written comments from respondents, MLS staff completed an in-depth review of the issues and opportunities.

The purpose of this document is to communicate key themes and detailed feedback that were identified in this review.

Respondent Profile

The survey was made available online through the MLS public website and distributed to Councillors through *the Monitor* for distribution in his or her ward. The survey was tweeted once weekly via Strategic Communications and 311 twitter accounts. This survey was also circulated to businesses, music and other stakeholders, neighbourhood and residential associations and social media to increase public engagement.

In total, there were 5032 survey responses. Respondents responded individually with the exception of three respondents, who identified that it was completed on behalf of a residents' association. In addition, MLS received 105 email and telephone responses from the public during this time period.

The survey required each respondent to self-identify in which ward he or she was a resident. The majority of respondents were from wards in or near downtown Toronto. The wards with the highest response rates were Ward 20 (18%), 19 (11.9%), 27 (10.4%), 25(7.9%), 28 (7%).

Key messages

Noise is a problem for almost half of respondents: 47.2% of respondents indicated that there is a problem with noise in their ward. However, 48.7% of respondents indicated that noise was not a problem while 4.1% were not sure.

It's worth complaining about: A number of the respondents (34.2%) indicated that at some point they have complained to an organization about noise.

Noise complaints are made to a variety of organizations: While close to half of respondents identified contacting 311 (45.4%) to make a complaint, they also contacted other organizations depending on the nature and time of the complaint. Examples of organizations contacted to voice complaints were 911 (5.2%), Toronto Police Services (41%), Councillor's office (32.1%), MLS (17.3%), other (30.9%). "Other" includes TTC, Pearson/GTAA/NAV Canada, the people making the noise, Concierge/property management, resident association, Special Events, GYRA/ABCRA, MP, Developer, Toronto Port Authority, Billy Bishop Airport, University, AGCO, Venue/restaurant, mediation services at St. Stephen's Community House, Animal Services.

Construction, amplified sound and motorcycle noise were the types of noise most complained about: Respondents indicated a variety of types of noise that cause them to make a complaint. This survey allowed them to check off more than one type of noise. While respondents identified a number of types of noise, those most often complained about were construction (25.3%), amplified sound (36.1%), loading, unloading, delivery (11.7%) and motorcycle noise (13.3%).

Even if respondents did not make a formal complaint, construction (35.7%), amplified sounds (21.4%) operation of a power device (e.g., leaf blowers) (22.5%) and motorcycle noise (33.6%) were identified as the most disruptive.

The effects of noise on individual well-being: The respondents indicated that the most common effects of noise in addition to general disturbance were loss of sleep/insomnia and stress.

Prohibited hours for construction: The majority of respondents were aware of the prohibited times for construction noise and thought the prohibited times were reasonable. If these times were to change more individuals would prefer that the prohibited times were longer.

Noise Exemptions: The majority of respondents were aware of noise exemptions and were interested in knowing when a noise exemption is issued in their ward.

Communications: Respondents indicated that they would like to receive communication in multiple ways. The majority preferred e-blast/bulletin, communication through their councillor, via signage or on the City of Toronto website.

Other feedback: Just under half of respondents chose to add additional feedback not covered above. A number of individuals had concerns about enforcement, in particular the availability and response time of enforcement staff. Others had concerns about motorcycles driving through residential areas with modified mufflers. Some wanted to revisit banning leaf blowers and others noted that construction/service/delivery trucks were often making noise during prohibited times.

By the Numbers

Types of Noise: Feedback on types of noise that were the subject of complaints was varied and generated a broad range of responses from survey participants.

Large project construction noise such as condo developments resulted in 25.3% of respondents complaining, but amplified sounds in a residential area (36.1%) and amplified sounds from restaurants/bars (21.2%) and home construction noise (16.1%) results caused the most respondents to complain. Loading and unloading delivery noises and motorcycle noise respectively caused 11.7% and 13.3% of respondents to complain.

Respondents made fewer complaints about transit project noise (5.3%), animal noise (9%), operation of a power device (9.6%) alarm sounds (7.2%) and operation of tools for domestic purposes (e.g., hammer) (3.3%).

The “other” noise category was identified by 44.1% of respondents and included noise such as; honking, airport/airplane noise, TTC, noise from park late at night, people yelling/being noisy, noise from bars, late night/early AM pick up/deliveries, special events/filming, commercial a/c units, emergency vehicles sirens.

For those who had not made formal complaints, the most disruptive type of noise was large project construction (35.7%), motorcycle noise (33.6%), amplified sounds from the residential area (21.4%) and from the bar or restaurant (12.7%), operation of a power device (e.g. leaf blower) and alarm sounds (20.8%).

Effects of Noise on respondents: Respondents identified that noise can impact their well-being in varied ways. According to the survey, the most common effects were general disturbance (66.7%), loss of sleep/insomnia (45%), stress (32.6%) and headache (13.1%). However, 24.5% of respondents identified that the noise wasn't disturbing them and they could tolerate it.

“Other” effects, which 12.1% of respondents noted, included loss of concentration, loss of enjoyment of yard, anger, cannot leave windows open, inconvenience, loss of business, wakes up baby/kids, causes dog to bark.

Prohibited Hours for Construction Noise:

Most (71.3%) respondents were aware that construction noise is prohibited during certain time periods. The majority (64.5%) of respondents thought that the time period was

reasonable. For those that did not think the time period was reasonable 25.3% of respondents suggested to make the prohibited times longer. Some respondents (20.7%) had "other" suggestions such as stronger enforcement, no construction on Saturdays, turning down TTC kneeling buses beeping.

Noise Exemptions: The majority 65.7% of respondents were aware that noise exemption permits can be requested for special events, events in parks and/or construction outside of permitted hours. Most (75.1%) respondents identified that they would like to know about a noise exemption granted in their area.

Communications: When we asked how respondents would like us to communicate about the noise by-law, the majority (65%) identified the e-blast/e-bulletin/email, while others through their councillor (30.9%), signage (33.6%) and/or City of Toronto website (35.6%) were preferred.

Other comments: Respondents had an opportunity to type additional comments about noise. There were 2313² comments in total. The topics were sorted as follows and the number of respondents identifying a similar comment is noted in brackets. The four most popular topics are highlighted in the list below.

Topic	Number of respondents
Amplified music from bars/restaurants	234
Party boats	17
Restrict clubs in residential areas	118
Retailers projecting music outside	3
Amplified music in residential areas (backyards)	8
Loud people/yelling after 11pm	38
Limit amplification on special events	14
Enjoy music and events	390
Set decibel levels to quantify noise	43
Too many noise exemption permits	94
Too many loud concerts/festivals	31
Lack of Communication about exemptions	32
Communication about what is and is not legal/signage	9
Invest more in enforcement	18
Not enough enforcement	220
Issue on the spot tickets like Ottawa	12
Increase fines	114
If a complaint is fielded by 311 an automated call goes to the offender letting them know the nature of the complaint	1
Reduce aircraft noise	57
Gunshots at BBTCA	1
Not enough enforcement of night flight limits at BBTCA	8

² Survey respondents were able to indicate more than one topic in their comments

Topic	Number of respondents
TTC honking, beeping	18
Motorcycles speeding in residential areas, motorcycle groups, modified mufflers	212
Police patrols through parks would be helpful	1
Construction/delivery/service trucks (back up beeps)	512
No construction on Sunday or stat holidays	16
7am too early prefer 9am	45
Communication about the impact of noise on health	54
a/c /generator and furnace exhaust noise	43
leaf blower banned or muffled	74
street cleaning at reasonable hours not 1am	8
alarms	20
noise from vehicle repair facility between 6-7am	2
emergency sirens could be quieter	39
407 noise (new road surface much louder)	1
Stone cutting offsite rather than at the home being renovated	8
Rebate for neighbours of residents with building permits	3
Piano playing	1
train/streetcar noise	24
Idling	27
Animal noise (dog barking left outside too long)	38

Detailed Feedback

1. Construction

There are two types of construction that cause noise, home renovations and large scale construction projects, such as condo developments. Of the two types of construction, large project construction noise resulted in complaints made by 25.3% of respondents. Home renovation noise only resulted in complaints made by 16.1% of respondents. Even when respondents chose not to complain, 35.7% of respondents identified large project construction noise was disturbing the peace and quiet in their wards. Home renovation noise was a problem for 26.3% of respondents who chose not to make a formal complaint.

Currently, Chapter 591, Noise allows for City of Toronto construction identified as necessary municipal work permitted anytime without requiring an exemption permit. However, in a quiet zone or residential area no construction noise is permitted between 7:00pm and 7am the next day, 9:00am on Saturdays and is prohibited all day Sundays and Statutory Holidays. Five hundred and twelve respondents from this survey identified in their other comments that they experienced disruptive noise from construction. Typically this included construction trucks backup beeping before the construction work was to take place (and during prohibited hours). The City of Toronto would have to approve an exemption for individuals for construction that is taking place during prohibited hours.

Service and delivery trucks during prohibited hours back up beeping, loading and unloading were also a source of noise concerns. This is important to note given that the

Ministry of Transportation (MTO) is partnering with the City of Toronto and other municipalities in an Off-Peak Deliveries (OPD) Pilot to help reduce transportation demand at peak hours during the Games. While this initiative may reduce congestion it may be more disruptive to residents who will have greater exposure to delivery noise. The Ipsos-Reid survey results support this survey and indicate that residents are less positive toward relaxing noise by-laws to enable construction projects to be completed more quickly.

2. Amplified music:

This survey data is consistent with previous survey gathered in November-December 2014 for the Outdoor Café by-law review. In that survey, which had over 500 respondents, many felt that café noise and nuisance was an issue that needed to be addressed. In particular respondents brought up noise concerns as one of the key factors in deciding whether to support patio hours being open past 11pm. Some suggested noise-related restrictions or some form of noise monitoring, and considerations depending on the location of the patio and the proximity to residential areas.

Approximately 40% of respondents of the Outdoor Café online survey felt that noise was an issue. But it was unclear whether feedback was related to the outdoor café or indoor portion of the establishment. A few suggested better management of the noise by-law and more enforcement generally would be useful.

In this survey amplified music whether it is coming from a licensed bar/restaurant or from a residence was a concern for many respondents. In addition, amplified noise concerns was a common topic for respondents who chose to include other comments. In fact, 234 respondents chose to identify amplified noise as a key concern. However, there were a larger number of respondents (390) who indicated that they supported music events in the City regardless of the noise.

3. Motorcycles

Respondents, regardless of whether they made a complaint, identified motorcycle noise as a source of noise that most often disturbs their ward. In fact, 33.6% of respondents identified motorcycle noise as disturbing the peace and quiet in your ward. However, motorcycle noise was much lower (13.3%) in the number of respondents who made a complaint. This may be as a result of the limitations of Chapter 591, Noise which are identified on the 311 website and by staff who receive motorcycle noise complaints.

There are no provisions within Chapter 591, Noise that would enable the City to deal with the referenced complaint. Motorcycles and vehicles travelling along any road are subject to the Highway Traffic Act. Currently, section 75 of the Ontario Highway Traffic Act requires every motor vehicle (including motorcycles) to have a muffler in good working order and in constant operation to prevent excessive noise. It also prevents a driver at any time to cause a motor vehicle to make any unnecessary noise, including the alteration of a muffler. In this survey 212 respondents had other comments that identified concerns about motorcycles speeding in residential areas, motorcycles with modified mufflers and motorcycle gangs creating significant noise.

In Toronto motorcycle noise issues are addressed in Chapter 591, Noise section 3 which states "the operation of a vehicle, engine, moto, construction equipment, or pneumatic device without 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." However, a Municipal Standards Officer has no authority to stop a motor vehicle or demand a driver's licence.

4. Enforcement

In this survey, while we did not ask respondents to comment on enforcement or pose questions related to enforcement, this was the most popular topic. This survey noted 220 respondents and another 80 email respondents who had concerns about enforcement. The nature of their concern was that there is not enough enforcement of the noise by-law.

Many of the most common complaints were amplified sounds and construction during prohibited hours. Often concerns indicated that the respondent identified a delay between when the noise occurred and the complaint was made and when the complaint was investigated. Some thought more money should be invested in MLS to fund more officers working the night shift. Others would like to see higher penalties such as increased fines or issuing on the spot tickets.

5. Aircraft Noise

While the survey didn't include aircraft noise, aircraft noise was one of the most frequent comments in the "other" comments. There were respondents from a few different wards who identified their experiences with aircraft noise either from Billy Bishop Airport or Toronto Pearson International Airport. Of particular concern were the volume of flights and night flights.

6. Emergency and municipal services

While the survey was not explicit in identifying the noise created by emergency and municipal services, respondents were. Several respondents identified concerns with the noise level of emergency vehicle sirens (e.g., fire, police and ambulance). Thirty-nine respondents would like to see quieter sirens.

Twenty-four survey respondents also identified TTC vehicle noise as disturbing the peace and quiet of their ward. TTC honking and beeping (when the bus is kneeling) was identified as the most disruptive.

7. Leaf blowers

Leaf blowers have been a topic of noise in the City of Toronto and City council considered a proposal to ban leaf blowers in 2006. Twenty-two percent of respondents in this survey that noise from leaf blowers and other power devices disturbing, but only 9.6% has made a formal complaint. Seventy-four respondents had additional comments about leaf blowers. One even suggested mitigating the noise by requiring a silencer for the leaf blower. Another suggested transitioning from gas powered to electric equipment to mitigate noise.

It is possible that the responses about leaf blowers are lower for two reasons: one, this survey is taking place in the spring/summer and "leaf blower" season has not yet begun

and two, the majority of the respondents identify residing in wards in or near downtown where properties are smaller and there are fewer trees.

8. Increase communication

Public education or communication about this by-law and its application is of interest to respondents. It is clear that while most respondents understood that exemptions exist 34.3% were either not aware or not sure about exemptions. Seventy-five percent of respondents wanted to know if a noise exemption was granted in their area. Most applicants also wanted the City to communicate with them about the noise by-law in general and identified several preferred options for communications, such as email, signage, through their councillor, or City of Toronto website. This is consistent with the other survey findings referred to, such as Ipsos-Reid survey on construction.

Even though the Ipsos-Reid survey identified that residents were not in favour of limiting special events, they didn't want to relax the noise by-law. In this review's survey, some respondents identified that they would like more information about what is legal and what is not legal. Others wanted to know more about noise exemptions, such as, why some many are being granted. Others wanted to have an opportunity to voice their concern about an exemption prior to it being granted for a special event.

Overall, it seems that it would be useful to consider ways to better communicate and increase the public's understanding of this by-law.

Attachment 8: Summary of Public Consultation Meetings for Chapter 591, Noise

Location of meetings held:

- June 23, 2015 City Hall, Committee Room 2
- June 24, 2015 North York Civic Centre, Committee Room 3

Residents make up a city and noise has a huge impact on the City.

During the course of these two public consultations Municipal Licensing & Standards (ML&S) staff documented over 75 community members' feedback in-person and through email. Those who attended in person represented various resident, community and neighbourhood associations, manufacturing industry, land use planning, special events venues and businesses as well as residents representing themselves. Over 30 community members provided feedback via email as they were unable to attend in person.

ML&S completed a short presentation outlining the review, considerations, issues and areas of focus as well as proposals for change for public comments. The majority of the time was allotted for attendees to comment on issues, their experiences and suggestions for change.

There was a huge breadth of information gathered during these meetings. This document serves to summarize the issues and suggestions for improvements that ML&S heard from those who attended.

The by-law is outdated and confusing

- The by-law is outdated. Some attendees who are well versed in the Ministry of the Environment Noise Pollution Control (NPC) guidelines, noted that the noise by-law currently refers to previous guidelines which were revised and replaced in 2013.
- The information in it is hard for attendees to read and understand. Specifically, it is challenging to easily determine whether noise is allowed or prohibited. This can have a "suffer in silence" effect whereby individuals are not sure whether the noisy event or individual is complying with the by-law or not. Since they are uncertain, they may not choose to call 311 or officers to investigate.
- Moreover, some residents who have complained were concerned about the officers' knowledge and understanding of the by-law. Their concern is that a lack of knowledge and inadequate training on this by-law can affect enforcement.

Suggestions: All of these points led the attendees to suggest that the by-law needs to be written in plain language and updated. Education about the by-law is beneficial for residents, businesses and ML&S investigation and enforcement staff.

The by-law contains subjective measures of noise

- Some attendees pointed out that the by-law contains subjective measures of noise. The by-law does not set decibel or other sound measurement levels for noise, except for setting an 85 db(A) limit from 20 metres for amplified sound under (591-10 D) for those who have been granted noise by-law exemption permits.
- Some attendees questioned why the 85 db(A) limit was set and how it was determined. Some raised concerns that this was too high and that NPC standards recommend a 40-50 db(A). Also, some thought that 20 metres is too far away to measure sound.
- There is a concern that low frequency vibration from music and machinery, is not captured in the by-law currently. Db(A) is only a partial measurement for sound, it does not capture base.
- Noise, as identified by residents, moves upwards. While the effect on the ground may be low, to those who reside in buildings it can be very disruptive.
- Others thought that noise standards would be a consistent measure for everyone including, residents, builders, businesses, and event planners.
- Those working in land use planning say the implications of NPC standards are not straightforward for land development.

Suggestions: Consult with land developers and acoustic engineers to understand the implications of referencing NPC300 in the noise by-law. Set specific noise standards aligned with Provincial Guidelines. If used, mandate or inform the public about the make and model of equipment used to monitor noise.

The by-law allows too many noise exemptions

- Some attendees were concerned about the number of exemptions that were granted and unclear why the noisy activities had to be completed in prohibited hours.
- Certain communities were more affected by noise exemption permits for amplified sound than others. For example, Toronto Islands are host to over 400 concerts each summer. Trinity Bellwoods and Harbourfront community members identified numerous concerts, festivals and events.
- Some attendees noted that construction activities, including concrete pours were starting later and ending later.
- Others were frustrated with the noise levels of TTC vehicles.
- Sirens on police, fire and ambulance vehicles are too loud and used in non-emergency situations.

Suggestions: Enable Councillors in wards affected by an exemption permit application to communicate the request to the community and the authority to grant or refuse exemption permits. Provide the authority to ML&S to revoke exemptions in circumstances where the organization or event is not complying with the terms and conditions of the exemption permit. Set times at which concrete pours are permitted to start. Meet with TTC, Toronto Police and emergency services to determine whether noise can be mitigated.

The by-law has limited or no enforcement authority (with respect to motorcycle and aircraft noise)

- Some attendees are concerned about aircraft noise, which has a local impact but is federally regulated. Attendees were concerned that there are no federal noise standards.
- Toronto Pearson Airport allows more night flights than other jurisdictions and many residents are losing sleep because of night flight noise.
- Motorcycle noise is also identified by residents as a problem for some attendees, while the noise by-law aligns with provisions in the Ontario Highway Traffic Act it does not identify noise limits and by-law officers do not have the authority to pull over vehicles or ask for identification.

Suggestions: Make recommendations to the federal government to set federal noise standards (that address air and rail noise), enforce them and set night curfews for Toronto Airports.

Inadequate enforcement of the by-law is the problem

- Some attendees identified a slow response time to complaints they made. Five business days is too long to wait for the City to investigate a complaint.
- Others identified that there are not enough officers to investigate offences that occur in the evening or overnight.
- Another concern was that fines and penalties are not effectively deterring and that some businesses are considering fines as a cost of doing business.
- A few residents described lengthy and frustrating experiences documenting noise to no avail or that resulted in a charge but that noise infractions continued. The effort required to make a complaint, prove noise and the consequences of reporting often led individuals to suffer in silence.

Suggestions: Increase and escalate fines and penalties for noise by-law offences. Increase resources for ML&S to speed up response time in the evening, overnight and weekends. Align investigation and by-law enforcement shifts with times when the majority of complaints are received. Leverage technology to improve noise monitoring and enforcement. Streamline the noise log process for the public. Consider dedicated after business hours (night, weekend) complaint contacts. Discuss with the AGCO whether noise charges can impact liquor licence renewal.

Noise is a health risk

- Various attendees identified health concerns and supported their concerns with research on the negative effects of noise on health and well-being.

Suggestion: ML&S connect with Toronto Public Health for the purposes of the review to better understand the health impact of noise on the inhabitants of the City of Toronto.

Noise by-law has an economic impact

- Representation from industry identified the economic impact of noise enforcement. An example of noise complaints from a large manufacturing company resulted in a business moving out of the city and a loss of jobs.
- In certain cases adherence to the noise by-law and guidelines can be costly. For example off-peak deliveries can allow the product to be delivered to the consumer sooner and at a lower cost.
- Residents also described individual challenges with productivity and others mentioned moving out of the City to get away from the noise.

Suggestions: Adherence to noise guidelines can ensure consistency but it should be agreed upon by both parties. Carefully weigh what benefits some over what benefits the economic well-being of Toronto.

Attachment 9: Music Industry Consultation for Chapter 591, Noise

Location of Meeting held: July 29, 2015 Metro Hall, 55 John Street, Room 308

Toronto wants to be known as a music city. Residents want to enjoy peace and quiet.

Can both co-exist?

During the course of the meeting, Municipal Licensing and Standards (ML&S) and Toronto's Music Industry Advisory Council co-hosted and documented 50 music community members feedback as part of ML&S noise by-law review. This consultation included representatives from those who produce, promote and distribute music, festival and music venues, businesses, Business Improvement Area members, musicians and music fans.

ML&S outlined the review, considerations, issues and areas of focus as well as proposals for change. The majority of the time was allotted for attendees to comment on issues, their experiences and suggestions for change.

This document summarizes the issues and suggestions for improvements stemming from this meeting.

What we heard

“How loud is too loud?”

Some of the attendees were concerned about how noise is currently measured. In particular, noise measurements based on what is clearly audible from the lot line are subjective and can be challenging for the business to comply with. In addition, some were concerned that not setting a decibel limit may encourage individuals to complain about noise when the music playing may not be their preference.

Suggestion:

- Establish an objective standard (such as a decibel limit) to measure noise, develop a consistent approach to applying the standard and ensure that the standard and the process are communicated widely.

“We want to comply”

Various attendees described the ways in which they are required to address noise to obtain their business licence and further efforts taken to sound proof or reduce noise (e.g., closing doors, reducing the number of evenings live music is offered etc.) Small businesses that are venues for live music described feeling threatened that one complaint will prove costly and could cause their businesses to shut down. For them this is particularly frustrating because music strengthens their business, creates a community and provides support to new musicians.

Suggestions:

- Sufficient warning to allow for the venue to address noise issue or mitigate noise.
- Develop a collaborative approach to dispute resolution.
- Establish a process that rewards or recognizes venue compliance.

“Exemption process is not efficient and the community doesn’t know what events are exempted”

Some attendees who had been through the exemption process identified that that it is not aligned very well with the parks permit process which makes the process more burdensome than those who are organizing live music and other events in parks. There is no consistent way in which the community is made aware of an exemption permit being granted.

Suggestions:

- Streamline the exemption permit process and try to align it with parks permit process.
- Develop a way to communicate broadly about noise exemption permits granted.