



STAFF REPORT ACTION REQUIRED

Chapter 591, Noise – Amendments After Further Consultation

Date:	May 5, 2016
To:	Licensing and Standards Committee
From:	Executive Director, Municipal Licensing and Standards
Wards:	All
Reference Number:	P:\2016\Cluster B\MLS\LS16008

SUMMARY

Municipal Licensing and Standards (ML&S) reported to Licensing and Standards Committee on proposed amendments to Chapter 591, Noise at its meeting of January 22, 2016.

Licensing and Standards Committee referred the report back for additional consultation on the proposed amendments to the Noise By-law. The Committee also requested additional information on the number of staff necessary to adequately enforce the by-law and preliminary research on options to ban or restrict leaf blowers.

ML&S staff have engaged further with the public, stakeholders and other divisions. ML&S staff have collected additional comments from over 380 community members in-person and through email, a resident initiated survey which gathered an additional 300 residents' comments and written comments from 18 resident and neighbourhood associations. Staff also consulted with an external acoustical engineer who was retained to provide technical expertise on noise limits and noise measurement. The proposals in this report take into consideration the additional public, stakeholder and technical feedback received.

A revised version of the amendments to Chapter 591, Noise is contained in Attachment 1 of this report for Committee and Council consideration.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards recommends that:

1. City Council approve amendments to Chapter 591, Noise as described in Attachment 1 of this report, subject to any stylistic refinements as may be identified by the Executive Director, Municipal Licensing and Standards and the City Solicitor.
2. City Council authorize the City Solicitor, in consultation with the Executive Director, Municipal Licensing and Standards to make an application to the Regional Senior Justice of the Ontario Court of Justice for new and increased set fines for Chapter 591, Noise.
3. City Council approve amendments to Chapter 441, Fees and Charges to permit:
 - a. The collection of one application fee where an exemption to Chapter 591 is sought for multiple, similar events in the same location by the same applicant.
 - b. A waiver of the Chapter 591, Noise exemption application fee for new events in the "Arts in the Parks" and "Music in the Parks" parks permit categories.
4. City Council authorize the City Solicitor to prepare the necessary bill(s) to make such by-law amendments as may be required to give effect to the recommendations in this report.
5. City Council direct that the changes come into force on November 1, 2016.

Financial Impact

If proposed amendments to Chapter 591, Noise are approved by Council, it will have a minimal financial impact. This impact is based on the changes made to the Noise By-law exemption permit process which at the time of this report sets out an application fee of \$100.00.

Continuous concrete pours and large crane work

Removing the existing exemption for continuous concrete pours and large crane work may result in minimal new revenues for the City, if an applicant is required to complete the activities during prohibited hours.

Concrete pours and large crane work often extend past the hours permitted for construction noise under the By-law. In 2015, 82 building permits were issued for buildings that were higher than 6 floors. Continuous concrete pours are used for tall structures (such as towers and buildings). It is not known how many projects will require a noise exemption permit from November 1, 2016 to December 31, 2016, when this revised by-law takes effect. The new revenues will likely be in the hundreds of dollars.

Arts and Music in Parks Events

Commencing in 2016, City Council approved two new park permit categories, Arts in the Parks and Music in Parks, at no charge. Parks, Forestry and Recreation have now begun to issue permits for Arts in the Parks and permits for Music in Parks events, starting May 1, 2016. If Council approves the waiving of the noise exemption application fee of \$100.00, effective November 1, 2016, there will be little to no impact to the revenues of ML&S in 2016, as there are minimal events in parks during the winter months. It is anticipated that starting in 2017, there will be a minimal loss in revenues to ML&S as a result of these events in parks, as only a few events may require a noise exemption permit.

The amount of new revenues from continuous concrete pours and large crane work may likely offset the loss in revenues from Arts and Music in Parks events.

The Deputy City Manager & Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting of January 22, 2016, Licensing and Standards Committee directed the Executive Director, Municipal Licensing and Standards (ML&S) to report back with revised amendments to Chapter 591, Noise. ML&S was directed to report back on 8 motions, including additional consultation, enforcement of motorcycle and amplified sound, adequate staffing for enforcement, expanding prohibited times for construction noise, options to ban or restrict leaf blowers and additional amendments to the exemption process.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.LS9.1>

ISSUE BACKGROUND

At its meeting of January 22, 2016, ML&S staff proposed amendments to Chapter 591, Noise after a comprehensive review.

The review for Chapter 591, Noise addressed the entire by-law, which had not been comprehensively updated since 2002. The report proposed updates to the by-law to reflect the current City environment and addressed 8 specific directives from Committee and Council. These directives required ML&S to identify recommendations to address construction, motorcycle and amplified sound more effectively, increase and escalate penalties and ensure that the noise by-law does not overlap with other existing legislation.

Proposed changes to the by-law intended to strike a balance in serving residents and enabling the economic and social vibrancy of the City.

At its meeting of January 22, 2016, Licensing and Standards Committee referred the report back to the Executive Director for additional consideration and consultation.

COMMENTS

Additional community consultation

Prior to submitting the report to the January 22, 2016 meeting of Licensing and Standards Committee on "Amendments to Chapter 591, Noise", ML&S obtained feedback from over 5,000 residents and held more than 15 meetings with stakeholders including the business, construction, manufacturing and music industries.

Since January 22, 2016, ML&S staff have received feedback in-person and through email from 380 community members; from 300 residents through a resident-created survey; and from 18 residents and neighbourhood associations. The summary of the most recent public consultation on proposed changes to the Noise By-law is contained in Attachment 2 of this report.

ML&S staff also reached out to each individual and organization that deputed or submitted communications to Licensing and Standards Committee for additional comments. Each of these individuals and organizations provided further comments, either by meeting or written feedback. The organizations included: BILD and RESCON from the construction industry; Toronto's Music Advisory Council; BIA representatives and members of the music industry; Toronto Industry Network and members of the manufacturing industry; and staff from Metrolinx and the TTC.

ML&S also received feedback from City divisions who provide overnight operational services such as overnight garbage collection and maintenance of roads.

ML&S also retained the services of an external consultant to review proposed noise limits to ensure that they are reasonable, clear and enforceable.

The additional consultation and external consultant review has led to revised proposals to amend the Noise By-law.

Amplified sound: decibel limits

Decibel limits for amplified sound were proposed in January 22, 2016 as a way to increase the clarity and objectivity of the Noise By-law. A set reading limit establishes an agreed on measure that represents a community standard that is easier to understand and comply with. Identifying decibel limits is consistent in the provincial noise standards. This approach is used in other large cities such as Vancouver and New York City.

ML&S staff originally proposed daytime decibel limits of 85 dB(A) or 105 dB(C) and nighttime limits of 45 dB(A) or 65 dB(C). Members of the public and stakeholders expressed concern that the initial daytime limit proposed by ML&S was too high at point

of reception. These limits were consistent with the limits set out for applicants that have been granted a noise by-law exemption permit.

Following this feedback and in consultation with the acoustics expert, ML&S is proposing the following revisions in a residential area:

- indoors or outdoors before 7:00 a.m. and after 11:00 p.m. Monday through Friday, rating of 45dB(A) or 60 dB(C);
- after 7:00 a.m. and before 11:00 p.m. Monday through Friday, rating of 50 dB(A) or 65 dB(C) when measured indoors **or** 55 dB(A) or 70 dB(C) when measured outdoors;
- indoors or outdoors before 9:00 a.m. and after 11:00 p.m. on Saturdays, Sundays and Statutory Holidays, a rating of 45 dB(A) or 60 dB(C);
- after 9:00 a.m. and before 11:00 p.m. on Saturdays, Sundays and Statutory Holidays, a rating of 50 dB(A) or 65 dB(C) when measured indoors **or** 55 dB(A) or 70 dB(C) when measured outdoors.

The ambient sound level at a point of reception may exceed the applicable maximum sound level, for example, in noisier parts of the City, traffic and other ambient sound may exceed the sound limits set in the by-law. For this reason staff have proposed adding a limit to account for neighbourhoods with higher ambient noise. Staff have proposed that the sound is considered not in compliance if it is 5 decibels (measured in dB(A) or dB(C)) above the ambient sound level. ML&S is proposing 5 decibels since this is the number of decibels at which most listeners report a noticeable or significant change.

These decibel limits are similar to provincial decibel limits for other types of sound. These decibel limits are also similar to decibel limits set in other large municipalities, such as Vancouver and New York City. Identifying that certain neighbourhoods have higher ambient sound levels permits some additional flexibility in the by-law while identifying a sound level limit.

Prohibited time periods for construction

The existing Noise By-law sets out prohibited time periods for construction noise; in a residential area or quiet zone from 7:00 p.m. to 7:00 a.m. the next day; before 9:00 a.m. and after 7:00 p.m. on Saturdays and all day Sunday and Statutory Holidays.

In the report submitted to the January 22, 2016 meeting of L&SC, ML&S did not propose any changes to these prohibited hours. Through the public survey, 71.3% of the 5,023 respondents were aware that construction noise is prohibited during certain time periods and 64.5% of respondents thought that the time period was reasonable. For the 35.5% of respondents that did not think the time period was reasonable, over 70% of them suggested making the prohibited times longer.

L&S Committee directed staff to review changing the prohibited time period for construction noise from 7:00 p.m. to 7:00 a.m. the next day in a quiet or residential area to 7:00 p.m. to 8:00 a.m. the next day, and prohibited on Saturdays and Sundays.

Additional consultation has produced mixed results. Residents indicated that they were pleased to see that the exemption for continuous pouring of concrete has been removed. Some residents indicated that further restrictions to the prohibited time periods for construction are necessary. A few residents have suggested prohibiting construction noise on Saturdays.

Feedback from the construction industry indicates that additional restrictions to the prohibited time periods for construction will have negative implications for construction project timelines. This impact may result in the extension of construction or residential development projects and higher costs. It may also impact nearby residents who may have to endure construction for longer periods of time. For these reasons and after reviewing the previous consultation findings, ML&S is proposing to retain the existing prohibited time periods for construction which are in a residential area or quiet zone from 7:00 p.m. to 7:00 a.m. the next day; before 9:00 a.m. and after 7:00 p.m. on Saturdays and all day Sunday and Statutory Holidays.

Exemption for continuous concrete pours

The existing Noise By-law contains an exemption to the prohibited time periods for construction, for continuous pouring of concrete, large crane work and necessary municipal work.

In 2015, ML&S received 3,611 complaints about construction noise. Of these, 2,553 complaints occurred during the prohibited time periods for construction noise. Many residents believed that some construction companies were using the blanket exemption for concrete pours to complete other construction work during prohibited time periods.

In the report to the January 22, 2016 meeting of L&SC, ML&S proposed the removal of the blanket exemption for continuous concrete pours and large crane work.

Public consultation since January 22, 2016 showed mixed results. Most residents were pleased with the proposal to remove the exemption and in favour of having the construction industry participate in the Noise By-law exemption permit process.

However, members of the construction industry indicate that requiring an exemption permit for continuous concrete pours and large crane work creates an additional administrative hurdle. Their comments suggest that an additional step could delay the construction process and potentially create even more noise disruption. However, the exemption permit process is not intended to be onerous or add additional time to the project. The process takes three weeks from when the application is submitted for a decision to be made, including the time allotted for Councillors to provide comments.

ML&S proposes that removing this blanket exemption will enable the City to further mitigate noise. ML&S staff can require certain terms and conditions, public notice and noise mitigation strategies under the proposed amendments to the by-law exemption

process. If companies are not compliant, they risk the revocation of their noise exemption permit and face fines.

Assessment of staffing complement for overnight and weekend enforcement of the Noise By-law

ML&S enforces the Noise By-law through the Investigation Services, By-law Enforcement and Animal Services units. Investigation Services is responsible for the enforcement of the Noise By-law for noise generated by activities such as construction, outdoor concerts and noise from a resident's property. By-law Enforcement is responsible for enforcement of noise issues emanating from bars, night clubs, restaurants and parks. Animal Services is responsible for enforcement of noise issues related to animals such as barking dogs.

Each of these units has staff coverage to respond to noise complaints occurring in the evenings, nights and weekends. The current hours of work for the By-law Enforcement team, including responding to noise complaints at licensed establishments are Sundays to Thursdays (6:00 a.m. to 11:00 p.m.); Fridays and Saturdays (6:00 a.m. to 3:00 a.m. the next day); and Holidays (8:00 a.m. to 4:00 p.m.). Investigation Services has hours of coverage for weekdays (6:00 a.m. to 7:00 p.m.) and a weekend day shift (8:00 a.m. to 5:00 p.m.) The mobile enforcement team in Animal Services is on duty 7 days a week (7:00 a.m. to 5:00 a.m. the next day.)

ML&S was requested to assess whether its staff complement is adequate to provide overnight and weekend enforcement of the Noise By-law. An analysis of the noise related service request data shows that of the 12,600 noise related service requests, 77% (9,000) were directed to Investigation Services. Approximately 4,000 calls are received during off-duty hours. Currently ML&S does have adequate capacity to investigate these in accordance with its existing service standards.

It is important to note, that some of the proposed amendments to Chapter 591, Noise, should they be adopted by City Council, will assist in mitigating some of the more frequent causes of overnight and weekend noise (e.g., construction noise due to continuous concrete pours). The results of these changes may mitigate the instances of noise throughout the overnight and weekend hours, which would also impact call volumes and staffing estimates. Adding time periods to the general prohibition may also mitigate some requests for exemption and call volumes.

ML&S will continue to monitor service requests in order to ensure that it has adequate staff coverage to respond to noise complaints in a timely manner. ML&S will report back as part of its 2017 budget process on shift changes and whether additional staff are required.

Leaf blowers and power devices

ML&S has been requested to report back with a review of jurisdictions that have banned, restricted or regulated leaf blowers and include options to either:

- a. ban leaf blowers in residential areas or
- b. require leaf blowers to operate at a sound level not to exceed 45 decibels.

Leaf blowers have been a source of concern for some residents and have been debated at City Council on more than one occasion. In 2015, ML&S received 51 of 12,900 noise complaints through 311 where an individual specifically identified a leaf blower as the source of noise.

At its meetings of March 5, 6, 7 & 8, 2007, City Council forwarded a motion to Licensing and Standards Committee on investigating further restricting or unconditionally banning the operation of any powered leaf blower, electric or gas, in the City of Toronto.

<http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-03-05-cc03-dd.pdf>

At its meeting of March 30, 2007, Licensing and Standards Committee took note and filed the recommendations contained in Motion 22. No further action was taken.

Licensing and Standards Committee Decision Document can be found at:

<http://www.toronto.ca/legdocs/mmis/2007/ls/decisions/2007-03-30-ls03-dd.pdf>

At its meetings of July 16, 17, 18 & 19, 2007, City Council adopted the report “*Climate Change, Clean Air and Sustainable Energy Action Plan: Moving from Framework to Action*”. Among the report’s recommendations were two that pertained to lawn and garden equipment. The first was a request for a report on how the change to two-stroke gas engines and leaf blowers can be phased in to address the needs of lawn service companies and residents. The second was a request for a report on a proposal to phase out the use of equipment in City operations powered by two stroke engines.

<http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-07-16-cc11-dd.pdf>

In 2009, City staff reported on “*Small Engine Equipment (Two-Stroke Engines) Greening Strategy for City Operations and the Broader Public*”. The staff report recommended that a total ban on this type of equipment was not viable for the City of Toronto. City Council on May 25, 26 and 27, 2009, adopted this report.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.EX32.6>

The staff report indicated that restricting the use of leaf blowers would cause a significant impact on maintaining service levels in City parks and would be difficult to enforce. An outright ban would not allow flexibility for the rapid improvements to the emissions standards for small engine equipment. New technology with stricter standards had the effect of producing less noise.

It is not currently mandatory for manufacturers to include decibel labels on small engine equipment in Canada. Manufacturers label is based on a voluntary certification program that has not been widely taken up by manufacturers. This would make it challenging for residents and business to ensure that leaf blowers purchased are compliant.

Staff examined some larger North American cities comparable to Toronto and neighbouring municipalities that have taken similar action to what ML&S was directed to address in this report. Of those municipalities reviewed, Ottawa and Vancouver have leaf blower bans in place, and Edmonton, Victoria, Portland, New York City and Los Angeles have set decibel limits. Decibel limits range from 45 to 75 decibels. Attachment 3 is a summary of a jurisdictional scan of noise legislation for leaf blowers. Additional work would be required to thoroughly review the feasibility of banning or restricting leaf blowers.

CONTACT

Mark Sraga
Director, Investigation Services
Municipal Licensing and Standards
Tel: 416-392-7633
Email: msraga@toronto.ca

SIGNATURE

Tracey Cook, Executive Director
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: Revised Amendments to Chapter 591, Noise
Attachment 2: Summary of public consultation
Attachment 3: Jurisdictional scan on leaf blowers

Attachment 1: Revised Amendments to Chapter 591, Noise

Chapter 591

NOISE

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§ 591-10. Definitions.

§ 591-11. Prohibited locations.

ARTICLE I
Interpretation

§ 591-1. Interpretation.

A. Definitions.

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

AMBIENT SOUND LEVEL - means the prevailing background sound level that is present in the environment, produced by noise sources other than the source being measured to determine compliance with this Chapter.

APPROVED SOUND METER - means an instrument calibrated to measure levels of sound pressure in accordance with the minimum specifications for type 2 sound level meters set out under ANSI S1.4 or IEC 123.

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) - The sound pressure level in decibels measured using the "A" weighting network setting of an approved sound meter;

dB(C) - 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.

MAINTENANCE EQUIPMENT - Any equipment, device or vehicle designed and intended for use in cleaning, clearing, waste collection or other maintenance processes.

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, maintenance, and/or operation of transit systems or any ancillary facilities associated with the transit system.
- B. The operation of motor vehicles and maintenance equipment actually engaged in works undertaken by or on behalf of the City.
- C. 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 location on the premises of a person where noise originating from other than those premises is received.

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.

RESIDENTIAL AIR-CONDITIONING DEVICE - Any form of technology, device or equipment that modifies the condition of the air through one or more of heating, cooling, (de-)humidification, cleaning, ventilation, or air movement that serves a detached house, semi-detached house, town house, row house, or duplex which is used in whole or in part for human habitation.

SOUND SYSTEM 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 - The sound pressure level in decibels measured using the "A" or "C" weighting network setting of an approved sound meter.

STATIONARY SOURCE - A source of sound which does not normally move from place to place and includes the premises of a person within the property line as one stationary source, unless the dominant source of sound on those premises is construction. For greater clarity, a stationary source includes a vehicle or vehicles and any other device(s) employed to transport a person or persons or goods from place to place if operated within the property line of the premises of a person.

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 a provincial environmental compliance approval that permits the emission of noise.
- D. in connection with Necessary Municipal Work.

§ 591-4. Specific prohibitions.

- A. Loudspeakers and other amplified sound.
 - (1) No person shall operate or permit the operation of a sound system device if when measured on an approved sound meter for a period of five minutes at a point of reception:
 - (a) in a residential area:
 - [1] indoors or outdoors before 7:00 a.m. and after 11:00 p.m. Monday through Friday, the sound level exceeds a rating of 45dB(A) or 60 dB(C);
 - [2] after 7:00a.m. and before 11:00 p.m. Monday through Friday, the sound level exceeds a rating of 50 dB(A) or 65 dB(C) when measured indoors or 55 dB(A) or 70 dB(C) when measured outdoors;

- [3] indoors or outdoors 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 60 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 50 dB(A) or 65 dB(C) when measured indoors or 55 dB(A) or 70 dB(C) when measured outdoors;
- (b) in a quiet zone indoors or outdoors:
- [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 60 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 65 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 60 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 65 dB(C);
 - [5] All day on Sundays and Statutory Holidays, the sound level exceeds a rating of 45dB(A) or 60 dB(C).
- (2) Where the ambient sound level at a point of reception exceeds the applicable maximum sound level established in subsection (1):
- (a) subsection (1) shall not apply, and
 - (b) no person shall operate or permit the operation of a sound system device if when measured on an approved sound meter for a period of five minutes at the same point of reception the sound level exceeds 5 decibels (measured in dB(A) or dB(C)) above the ambient sound level.

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 in a residential area or quiet zone:

- (a) from 7:00 p.m. to 7:00 a.m. the next day;
- (b) before 9:00 a.m. and after 7:00 p.m. on Saturdays
- (c) All day Sunday and Statutory Holidays

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.

- A. No person shall emit or cause or permit the emission of sound from the operation of a residential air-conditioning device resulting in a sound level at a point of reception

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

located in a quiet zone or residential area in excess of 55 dB(A).

- B. Where the ambient sound level at a point of reception exceeds 55 dB(A):
- (1) subsection A shall not apply, and
 - (2) no person shall emit or cause or permit the emission of sound from the operation of a residential air-conditioning device resulting in a sound level that exceeds 5 dB(A) above the ambient sound level at the same point of reception.

§ 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 at the same location, 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 100 dB(C) when measured from the point of reception over a five-minute period;
 - (2) Where the sound level exceeds 85 dB(A) or 100 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;

- (6) The applicant shall post notice of the noise exemption on the property:
 - (a) in a location that is clearly visible and legible from a public highway or other place to which the public has access, or at a location chosen by the Executive Director;
 - (b) in a manner and form satisfactory to the Executive Director; and
 - (c) for a period commencing on the latter of:
 - [1] 7 days before the exemption takes effect, and
 - [2] the day the exemption is granteduntil the exemption permit is expired.
 - (7) 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, or for a Councillor-sponsored event:
 - (1) The application shall be submitted directly to the Executive Director by the City department, agency, board, commission or Councillor 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. Where an exemption permit has been granted in accordance with subsection 8, the Executive Director shall require the applicant 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 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, D or E or a combination of the foregoing, every person who gains an economic advantage or economic gain from contravening this chapter shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from the contravention..
- 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. Each offence in Subsection C is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues, a fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.
- E. 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 of no more than \$25,000.

§ 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: Summary of Public Consultation for Chapter 591, Noise

Location of meeting held:

- February 17, 2016 City Hall, Committee Room 1

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

During the course of this public consultation Municipal Licensing & Standards (ML&S) staff documented over 380 community members' feedback in-person and through email. There were approximately 80 residents who attended in-person. These residents represented various resident, community and neighbourhood associations, manufacturing industry, land use planning, special events venues and businesses as well as residents representing themselves. One attendee had created a survey which gathered an additional 300 residents' comments. Eighteen residents and neighbourhood associations submitted comments in writing. Resident and neighbourhood associations may have a membership of a few hundred to over 5000 residents and businesses.

ML&S completed a short presentation outlining the review, considerations, as well as proposed amendments to the noise by-law for public comments. The majority of the time was allotted for attendees to comment on issues, their experiences and their thoughts on the proposed amendments.

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

"The needs of a few don't outweigh the needs of many"

Some residents feel that the bars and restaurants or music venues who cater to a few should not undermine the needs of nearby residents. They argued that the responsibility for mitigating the noise should be with the businesses that are making or permitting the noise. Residents identified an expectation that the business complies with the noise by-law and demonstrates noise mitigation strategies so that the business won't create a disturbance to others. Additionally, residents are not sympathetic to business owners' concerns about retrofitting and sound proofing costs. One resident explained that this should be included as part of their business plan. Others raised a similar suggestion that noise abatement should be a requirement of a business license.

"The proposed daytime limits for amplified sound should be lower"

Some residents agreed that setting decibel limits increased the clarity and objectivity of the by-law, however the proposed daytime limit of 85 dB(A) was too high. One former sound engineer attendee identified that outside 40 to 65 dB(A) is expected and that at 80 dB(A) or above residents would require hearing protection. Some suggested that the City of Toronto should set limits aligned with the World Health Organization's standards or

provincial standards. Suggested limits from certain residents ranged from 45 dB(A) to 70 dB(A) at point of reception.

"Point of reception can be useful but it can be intrusive"

While most residents understood that point of reception measurement was proposed as a result of previous consultation, some felt it to be intrusive. This was especially the case for residents calling about noise late at night or for those with an ill family member. Point of reception measurement requires a Municipal Standards Officer to enter into a residence to take a noise measurement. Point of reception appeals to those who experience differing noise levels in their residence than what is experienced at the lot line at street level. Some were concerned that with point of reception measurement it would be challenging to pinpoint where the source of the noise. Suggestions were made by a few residents to consider being flexible on the location where noise is measured to accommodate resident needs.

"Construction noise"

Construction noise is of great concern to residents across the City, especially in areas where there are a number of residential developments and transit projects. Residents are pleased to see the proposed changes to the by-law which relate to construction noise. Some would like to see even more restrictive prohibited time periods. Certain residents have suggested no construction noise on Saturdays and no early morning preparation for construction activities such as delivery truck arrivals and unloading before 7:00 a.m.

"Leaf blowers should be banned"

A few residents identified that noise from leaf blowers was particularly disruptive. Those residents who spoke about leaf blowers would like to see them restricted to certain months of the year such as June to September when they are needed to blow fallen leaves. Some residents see no reason for leaf blowers at all and would like to see them banned entirely.

"Need for conflict and mediation of noise issues"

Some residents identified the need for a conflict or mediation process to address noise concerns. Certain residents saw a role for their community or resident association in this process. There is a perception that conflict and medication could be a productive initial step for residents and businesses. This step could be prior to enforcement or along with enforcement steps but prior to any legal proceedings. The objective would be to seek a resolution without needing to go to court.

"Lack of enforcement and fines which don't deter"

Many residents raised concerns that a lack of timely enforcement and understaffing are key issues influencing noise in the City. Residents are concerned that despite changes to the by-law, if there is little or no enforcement of the by-law noise issues will persist. Residents were especially concerned about overnight and weekend noise when there are fewer staff available. Some described experiences where they felt by-law enforcement was non-existent. A couple of residents said "no rules are better than rules without enforcement".

There is a perception that for business owners, fines are just the cost of doing business and aren't necessarily deterring them from permitting noise. However, some business owners in attendance were concerned that high fines and lower decibel limits would potentially put their business in jeopardy. Proposed changes to the noise by-law recommend higher fines for those who don't comply.

"The health effects of living with noise"

Many of those that attended spoke about the health effects of living with noise. Noise is described by some attendees as intrusive and impactful. Many shared stories of being disrupted and unable to sleep. Some shared concerns for their hearing and not being able to get away from the noise. Not everyone is able to avoid noise by keeping their windows closed at night unless they have air-conditioning inside their residence. Overall, health concerns from noise were perceived as driving up health costs, reducing productivity and reducing academic performance.

Some suggestions were to align with the World Health Organization's noise standards. Some residents referenced other examples of big cities where the amplified sound limit is lower than the City has proposed.

"The City needs to strike a better balance"

Overall, residents want to be able to enjoy living in the City of Toronto. For some that means, quiet enjoyment of their properties and for other it means enjoying music or completing renovations or riding around on their motorcycle. Some thought an education component would help residents understand the health effects of noise on everyone.

Attachment 3: Jurisdictional Scan on Leaf blowers

City	Leaf blowers identified in the by-law Yes/No	Leaf blowers banned ? Y/N if Y include provision	Leaf blowers Restricted by level of noise (e.g., cannot be above decibel limit) Y/N if Y include provision	Leaf blowers are regulated by time of day Y/N if Y include provision	Explicit exemption for leaf blowers used by municipal, provincial and federal government Y/N if Yes include provision	Enforcement: Maximum penalties or fines for not complying with leaf blower provisions Y/N if Y include provision
<u>Toronto</u>	Yes. POWER DEVICE - Any powered device used in the servicing, maintenance or repair of property except devices driven by muscular power only and snow blowers.	No.	No.	Yes. Prohibited time: (1) quiet zone: 7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays. (2) residential: 9:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.	No.	Yes. Under \$5000, Provincial Offences Act.
<u>Caledon</u>	Yes. Regulates: the operation or use of any tool for domestic purposes other than snow removal.	No.	No.	Yes. Prohibited time: 11:00 p.m. one day to 7:00 a.m. the next day	No.	Yes.
<u>Guelph</u>	Yes. Regulates: the operation of any tool including a hammer, saw, nail gun, lawnmower, staple gun, hedge trimmer, drill, or the like	No.	No.	Yes. Prohibited time:: 9:00 p.m. to 7:00 a.m. (to 9:00 a.m. on Saturdays, Sundays and holidays)	No.	Yes. Under 5000, Provincial Offences Act.
<u>Oakville full bylaw</u>	Yes. Regulates: the operation or use of any tool	No.	No.	Yes. Prohibited time: residential area:	Yes. Exception for the operation of	Yes. Every person who is convicted

City	Leaf blowers identified in the by-law Yes/No	Leaf blowers banned ? Y/N if Y include provision	Leaf blowers Restricted by level of noise (e.g., cannot be above decibel limit) Y/N if Y include provision	Leaf blowers are regulated by time of day Y/N if Y include provision	Explicit exemption for leaf blowers used by municipal, provincial and federal government Y/N if Yes include provision	Enforcement: Maximum penalties or fines for not complying with leaf blower provisions Y/N if Y include provision
	for domestic purposes other than snow removal.			<p>2100 hrs one day to 0700 hrs next day (0900 hrs on Sundays)</p> <p>Prohibited time: controlled area: 2100 hrs one day to 0700 hrs next day (0900 hrs on Sundays)</p>	machines and equipment by or on behalf of the Town, grass cutting or field maintenance equipment.	<p>of an offence is liable to a minimum fine of \$400 and a maximum fine of \$25,000 for a first offence and a maximum fine of \$50,000 for a subsequent offence.</p> <p>(3) Every corporation who is convicted of an offence is liable to a maximum fine of \$50,000 for a first offence and \$100,000 for a subsequent offence.</p> <p>(4) In addition to the fine amounts set out in subsection (2) and (3), for each day or part of a day that an offence continues, the minimum fine shall be \$400 and the maximum fine shall be \$10,000. The total of all daily fines for the offence is not</p>

City	Leaf blowers identified in the by-law Yes/No	Leaf blowers banned ? Y/N if Y include provision	Leaf blowers Restricted by level of noise (e.g., cannot be above decibel limit) Y/N if Y include provision	Leaf blowers are regulated by time of day Y/N if Y include provision	Explicit exemption for leaf blowers used by municipal, provincial and federal government Y/N if Yes include provision	Enforcement: Maximum penalties or fines for not complying with leaf blower provisions Y/N if Y include provision
						limited to \$100,000.
Ottawa	Yes. No person shall operate or cause to be operated any power equipment such as chain saws, power lawn mowers, leaf blowers, power tools or other similar devices.	Yes.	N/A	N/A	Yes. Does not apply to a person operating power equipment used for the purpose of maintaining a golf course.	Yes. A person who is convicted of an offence under this by-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500.00 and a maximum fine of \$10,000.00 and the total of all daily fines for the offence is not limited to \$100,000.00 as provided for in subsection 429(3) 2 of the Municipal Act, 2001.
Vaughan	Yes. The operation of any powered or non-powered tool for domestic purposes other than snow removal	No.	No.	Yes. Prohibited time: Quiet zones: 17:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. Sundays Residential zone: 21:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. Sundays)	Yes. The provisions of this By-law shall not apply to the City of Vaughan or Regional Municipality of York, the Province of Ontario, the Government of	Yes. Every person who is convicted of an offence under this By-law is liable to a fine as provided for in the Provincial Offences Act,

City	Leaf blowers identified in the by-law Yes/No	Leaf blowers banned ? Y/N if Y include provision	Leaf blowers Restricted by level of noise (e.g., cannot be above decibel limit) Y/N if Y include provision	Leaf blowers are regulated by time of day Y/N if Y include provision	Explicit exemption for leaf blowers used by municipal, provincial and federal government Y/N if Yes include provision	Enforcement: Maximum penalties or fines for not complying with leaf blower provisions Y/N if Y include provision
					Canada or any of their agents when the emission of sound is in connection with work undertaken for the immediate health, safety or welfare of the inhabitants of the City.	
<u>Edmonton</u>	Yes. Leaf blower/lawn equipment not specified. General prohibition of noise. 14 (2) A person shall not cause or permit property they own or occupy to be used so that noise from the property disturbs the peace of any other individual.	Not specified.	Yes. 19 (1) A person shall not cause or permit any sound exceeding 65 dB(A), as measured at the property line of a property zoned for residential use, between 7 a.m. and 10 p.m. (3) This section does not apply to sounds up to: (a) 70 dB(A) lasting a total period of time not	Yes. Prohibited time: between 7 a.m. and 10 p.m. (other factors are mentioned in terms of duration see: 19 (3))	Yes. 23 Nothing in this Part prohibits: (a) the City, its agents or employees, from managing the accumulation of snow and ice on highways and on City property; or (b) situations where the City Manager has issued a permit allowing the production of certain sounds on whatever conditions the City Manager deems appropriate	Yes. 43 (e) \$500.00 for any offence under section 20 and 22; and (f) double these fine amounts for any subsequent offence

City	Leaf blowers identified in the by-law Yes/No	Leaf blowers banned ? Y/N if Y include provision	Leaf blowers Restricted by level of noise (e.g., cannot be above decibel limit) Y/N if Y include provision	Leaf blowers are regulated by time of day Y/N if Y include provision	Explicit exemption for leaf blowers used by municipal, provincial and federal government Y/N if Yes include provision	Enforcement: Maximum penalties or fines for not complying with leaf blower provisions Y/N if Y include provision
			exceeding two hours in any one day; (b) 75 dB(A) lasting a total period of time not exceeding one hour in any one day;			
<u>Vancouver</u>	Yes. 14 C (a) a person must not operate a leaf blower within the boundaries of that area of the city outlined in black on Schedule F attached to this By-law; (in specified areas)	Yes. a person must not operate a leaf blower within the boundaries of that area of the city outlined in black on Schedule F attached to this By-law;	Yes. 14 C (c) Category 1 - db(A)<65 equipment standard set out in ANSI B175.2 - 2000,	Yes. 14 (b) subject to subsection (a) of this section, a person must not operate a leaf blower within 50 metres of the boundaries of any residential premises, except between the hours of 8 o'clock in the morning(0800 hours) to 6 o'clock in the evening (1800 hours) on any week day or between the hours of 9 o'clock in the morning (0900 hours) to 5 o'clock in the	No.	Yes. 20 (2) Every person who commits an offence against this By-law is liable to a fine and penalty of not more than \$10,000.00 and not less than \$250.00 for each offence.

City	Leaf blowers identified in the by-law Yes/No	Leaf blowers banned ? Y/N if Y include provision	Leaf blowers Restricted by level of noise (e.g., cannot be above decibel limit) Y/N if Y include provision	Leaf blowers are regulated by time of day Y/N if Y include provision	Explicit exemption for leaf blowers used by municipal, provincial and federal government Y/N if Yes include provision	Enforcement: Maximum penalties or fines for not complying with leaf blower provisions Y/N if Y include provision
				evening (1700 hours) on any Saturday.		
Victoria	Yes.	No.	Yes. the equivalent sound level does not exceed 65 dBA on an approved sound meter when received at the greater of the following distances from that leaf blower: (i) the point of reception; (ii)	Yes. the person operates the leaf blower (i) between 9:00 a.m. and 8:00 p.m. on a weekday, or (ii) between 9:00 a.m. and 5:00 p.m. on a Saturday, Sunday or holiday.	Yes. For municipal works including, but not limited to, the construction and repair of streets, sewers and other underground services; (j) the City's Parks Division maintenance work between 7:00 a.m. and 5:00 p.m. on any day; (k) the nightly cleaning of streets and sidewalks and the collection of garbage from sidewalk refuse bins within the downtown core area by the City's Public Works staff;	Yes. The minimum penalty for a contravention of a provision of this Bylaw is a fine of \$200. (3) Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.
Los Angeles	Yes. Allows leaf vacuum devices	No.	Yes. Operate at a sound level not to	Yes. 112.04. (a) Prohibited time: between the	No.	Not specified in by-law.

City	Leaf blowers identified in the by-law Yes/No	Leaf blowers banned ? Y/N if Y include provision	Leaf blowers Restricted by level of noise (e.g., cannot be above decibel limit) Y/N if Y include provision	Leaf blowers are regulated by time of day Y/N if Y include provision	Explicit exemption for leaf blowers used by municipal, provincial and federal government Y/N if Yes include provision	Enforcement: Maximum penalties or fines for not complying with leaf blower provisions Y/N if Y include provision
			exceed 45 dB(A).	hours of 10:00 p.m. and 7:00 a.m. of the following day, no person shall operate any ...backpack blower, which creates a loud, raucous or impulsive sound, within any residential zone or within 500 feet of a residence.		
New York City	Yes 24-242 (3) No person shall operate a leaf blower not equipped with a functioning muffler.	No.	Yes. 24-242(3) Unreasonable noise includes but is not limited to aggregate sound level of 75 db(A) or more.	Yes. 24-242 lawn care device- 24-242 no person shall operate or use a lawn care device on weekdays before 8 am and after 7pm or sunset which ever occurs later or; on weekends and NY state and federal holidays before 9 am and after 6 pm. At anytime in a way to create unreasonable noise.	Yes. Park staff are allowed to operate lawn care equipment between 7am-8am on weekdays.	Yes. Fines for lawn care devices: 1sr offence max=\$875, min=\$220. Fines increase with second and third offences.
Chicago	Does not specify lawn or power tools. 11-4-2835					

City	Leaf blowers identified in the by-law Yes/No	Leaf blowers banned ? Y/N if Y include provision	Leaf blowers Restricted by level of noise (e.g., cannot be above decibel limit) Y/N if Y include provision	Leaf blowers are regulated by time of day Y/N if Y include provision	Explicit exemption for leaf blowers used by municipal, provincial and federal government Y/N if Yes include provision	Enforcement: Maximum penalties or fines for not complying with leaf blower provisions Y/N if Y include provision
	addresses construction, repair or demolition equipment.					
<u>Austin, TX</u>	Does not specify lawn or power tools. The by-law deals with amplified noise and construction noise.					
<u>Portland, OR</u>	Yes.	No.	Yes. From March 1 through October 31 st of each year, operation of any leaf blower within the City of Portland, which is not on the certified list of 65 dba , or quieter, leaf blowers as developed by the Noise Control Officer, shall constitute a violation of Title 18. 4. From November 1	Yes. Residential zones. No person shall operate a leaf blower in residential zones, or in the adjoining public right-of-way, between the hours of 7:00 pm to 7:00 am the following morning, seven days a week.	No.	Yes. For each separate violation, a civil penalty of up to \$5,000 may be assessed.

City	Leaf blowers identified in the by-law Yes/No	Leaf blowers banned ? Y/N if Y include provision	Leaf blowers Restricted by level of noise (e.g., cannot be above decibel limit) Y/N if Y include provision	Leaf blowers are regulated by time of day Y/N if Y include provision	Explicit exemption for leaf blowers used by municipal, provincial and federal government Y/N if Yes include provision	Enforcement: Maximum penalties or fines for not complying with leaf blower provisions Y/N if Y include provision
			through February 28 th of each year, operation of any leaf blower within the City of Portland, which is not on the certified list of 70 dba , or quieter, leaf blowers as developed by the Noise Control Officer, shall constitute a violation of Title 18.			
Atlanta, GA	No. Falls under domestic power tools, lawn mowers, and agricultural equipment	No.	Yes. Provided they generate less than 85 dBA at or within any real property line of a residential property outside of the property where the noise in question originates,	Yes. When operated between 8:00 a.m. and 8:00 p.m. on weekdays and between 9:00 a.m. and 8:00 p.m. on weekends and legal holidays shall be exempt from the provisions of this article	No.	Yes. Any person convicted of a violation of any provision of this article shall be subject to the following penalties: (1) A fine not more than \$1,000.00, or a period of confinement in the city jail not to exceed ten days and a

City	Leaf blowers identified in the by-law Yes/No	Leaf blowers banned ? Y/N if Y include provision	Leaf blowers Restricted by level of noise (e.g., cannot be above decibel limit) Y/N if Y include provision	Leaf blowers are regulated by time of day Y/N if Y include provision	Explicit exemption for leaf blowers used by municipal, provincial and federal government Y/N if Yes include provision	Enforcement: Maximum penalties or fines for not complying with leaf blower provisions Y/N if Y include provision
			and all noises from tools and lawn mowers operated in association with the upkeep and maintenance of any public or private golf course shall be exempt from the provisions of this article, provided that all such tools and lawn mowers are equipped with mufflers or are operated in conjunction with a device or system for lessening the sounds produced.			probationary period not to exceed 180 days, or both. (2) In addition to any other penalties provided in this section, the judge may issue an order requiring abatement of any noise source found to be in violation of this article within a reasonable time period, not to exceed 60 days, and according to any guidelines that the court may prescribe.