

Attachment 1 - Noise By-law Proposals – Comparison Chart

Section	Status Quo (Current By-law)	Committee-Adopted Amendment	Rationale	Other Considerations
<p><b>Amplified Sound</b></p>	<p>There are two provisions related to amplified sound in the current Chapter 591. One provision does not allow for any music to escape beyond the property line, and one provision allows for music between certain time periods in a residential area. These are conflicting provisions. Note, that "residential area" does not align with zoning by-laws. In the Noise By-law, a residential area is any area used in whole or in part for human habitation.</p> <p><b>Provisions:</b></p> <p>§ 591-2.1.A No person shall emit or cause or permit the emission of sound from any electronic device...beyond the lot line...into any street or public place.</p> <p>§ 591-4.2 No person shall emit or cause or permit the emission of sound resulting from the operation of any electronic device:</p> <p><i>Residential:</i> 11:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.</p> <p><i>Quiet Zone:</i> At all times.</p>	<p>The Committee-adopted amendment removes the provision at the lot line and maintains the existing time constraints from the current Noise By-law (§ 591-4). It then introduces new quantitative limits (provision A and B below), measured at the point of reception (that is, where the complainant is hearing the disturbance). The measurement can first be done in an outdoor living area. If this is not feasible (as determined by Enforcement) then the measurement is done in an indoor living area.</p> <p><b>Provisions:</b></p> <p>A. No person shall emit or cause or permit the emission of continuous amplified sound, measured with a sound level meter at a point of reception in an outdoor living area:</p> <p>(1) That has a sound level (expressed in terms of Leq for a ten-minute period) exceeding 50 dB(A) or 65 dB(C) from 11 pm to 7 am or 55 dB(A) or 70 dB(C) from 7 am to 11 pm; or</p> <p>(2) Where the ambient sound level at a point of reception exceeds the maximum sound level permitted under § 591-2.1.A(1), that has a sound level (expressed in terms of Leq for a ten-minute period) equal to or exceeding the ambient sound level.</p> <p>B. If, during the course of an investigation, a Provincial Offences Officer such as a By-law Enforcement Officer, determines it is not reasonable to measure from a point of reception in an outdoor living area, then no person shall emit or cause or permit the emission of continuous amplified sound, measured with a sound level meter at a point of reception in an indoor living area:</p> <p>(1) That has a sound level (expressed in terms of Leq for a ten-minute period), exceeding 45 dB(A) or 60 dB(C) from 11 pm to 7 am or 50 dB(A) or 65 dB(C) from 7 am to 11 pm; or</p> <p>(2) Where the ambient sound level at a point of reception exceeds the maximum sound level permitted under § 591-2.1.B(1), that has a sound level (expressed in terms of Leq for a ten-minute period) equal to or exceeding the ambient sound level.</p>	<ul style="list-style-type: none"> <li>• Adding more objectivity in the Noise By-law was supported by both the music industry and residents.</li> <li>• Reduces confusion by reducing the number of provisions for amplified sound.</li> <li>• Maintains the existing time constraints, but introduces quantitative sound level limits.</li> <li>• Limits are recommended by sound engineers and are in line with provincial noise guidelines.</li> <li>• Uses point of reception measurement which is recommended by both Legal Services and sound engineers who were retained to technically review the by-law. There is a need to determine the level of disturbance of the complainant. The use of both outdoor and indoor living areas recognizes that some residents prefer that enforcement officers do not enter their residences.</li> <li>• Includes a provision for ambient noise, recognizing that each neighbourhood has a reasonable level of noise related to daily activity.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed quantitative limits are conservative in comparison to other municipalities examined; particularly, the provision on ambient noise. In most municipalities, there is a consideration for ambient plus 5 to 7 dB(A).</li> <li>• In conversation with New York City, we were advised against a measurement at the lot line. They advised that it has been difficult to determine the level of disturbance affecting a complainant, and they typically rely on a measurement inside a dwelling.</li> </ul>

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<b>Construction</b>	<p>The current by-law does not permit noise from construction during specific time periods, as shown below. There is a blanket exemption for continuous concrete pouring and large crane work.</p> <p><b>Provisions:</b></p> <p><i>(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:</i></p> <p><i>(a) In a quiet zone or residential area within the prohibited period of 7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. on Saturdays, and all day Sunday and statutory holidays; or</i></p> <p><i>(b) In any other area within the prohibited period of all day Sunday and statutory holidays.</i></p> <p><i>(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.</i></p>	<p>The Committee-adopted amendment removes the exemption for continuous concrete pouring and large crane work, and maintains the time constraints for noise from construction activity. Continuous concrete pouring and large crane work could still be completed 7 p.m. – 7 a.m., but an approved exemption permit would be required.</p> <p><b>Provisions:</b></p> <p><i>No person shall emit or cause or permit the emission of sound resulting from any operation of construction equipment or any construction that is clearly audible at a point of reception:</i></p> <p><i>(1) from 7 pm to 7 am the next day, except until 9 am on Saturdays; and</i></p> <p><i>(2) all day on Sundays and statutory holidays.</i></p>	<ul style="list-style-type: none"> <li>• During public consultations there was general acceptance for the current construction time constraints.</li> <li>• In the public opinion research, residents are less in favour of overnight construction work, particularly if it is for private development.</li> <li>• In the jurisdictional scan, Toronto is the only city that provides a blanket exemption for continuous concrete pouring and large crane work.</li> <li>• Construction noise outside of the permitted times must go through exemption permit process, and may be subject to additional requirements such as a noise mitigation plan or noise monitoring.</li> <li>• Allows flexibility for construction activity while balancing resident concerns about excessive noise.</li> <li>• Time constraints are aligned with similar uses in the proposed by-law, such as power devices.</li> </ul>	<ul style="list-style-type: none"> <li>• Construction regulations apply to all construction including interior work within existing commercial space. Exemption for internal renovations in commercial or non-residential buildings is not recommended as it is difficult to ensure that construction during prohibited hours will not impact residences.</li> <li>• Requiring a noise mitigation plan as a possible condition for exemption permits, rather than all construction work, balances consideration of public impact, while managing the volume of administrative work and potential project delays.</li> </ul>
<b>Motor Vehicles</b>	<p>The current by-law duplicates many provisions from the Highway Traffic Act, and includes provisions that are ambiguous or difficult to enforce. For example, noise from "racing" or vehicles in "operation" would require the vehicle to be stopped, but enforcement officers do not have the authority to require moving vehicles to pull over. It is also difficult for enforcement officers to determine if a load is properly secured, or is adequately maintained.</p> <p><b>Provisions:</b></p> <p><i>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:</i></p> <p><i>a) Racing of any motor vehicle...</i></p> <p><i>b) The operation of a motor vehicle in such a way that the tires squeal.</i></p> <p><i>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...</i></p> <p><i>d) The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to</i></p>	<p>The Committee-adopted amendment maintains and reframes the regulations related to unnecessary motor vehicle noise to be enforceable by enforcement officers. It maintains provisions for vehicle repairs, and also includes a quantitative sound level limit for motorcycles.</p> <p><b>Provisions:</b></p> <p><i>A. No person shall emit or cause or permit the emission of sound resulting from unnecessary motor vehicle noise, such as the sounding of a horn, revving of an engine, squealing of tires, banging, clanking or any like sound that is clearly audible at a point of reception.</i></p> <p><i>B. No person shall emit or cause or permit the emission of sound resulting from the repairing, rebuilding, modifying or testing of a vehicle if the sound is clearly audible at a point of reception from 9 pm until 7 am the next day, except until 9 am on Saturdays, Sundays and statutory holidays.</i></p> <p><i>C. No person shall emit or cause or permit the emission of sound from a motorcycle, if the motorcycle emits any sound</i></p>	<ul style="list-style-type: none"> <li>• Removes statements that are ambiguous and difficult to enforce (e.g. "racing").</li> <li>• Removes statements that are unenforceable (e.g. "operation of a vehicle" would require BEOs to stop vehicles).</li> <li>• Introduces decibel limit for motorcycles, consistent with recommendation from the Society of Automotive Engineers.</li> <li>• Simplified measurement (at idle) balances the need for an objective limit with effective enforcement.</li> <li>• Continues to be a tool for Toronto Police Services.</li> <li>• Allows MLS to collaborate with police to conduct traffic blitzes in high priority areas.</li> </ul>	<ul style="list-style-type: none"> <li>• The decibel limits outlined by the Society of Automotive Engineers have been adopted by other municipalities such as Caledon and Oakville (the only two jurisdictions in Ontario that regulate motorcycle noise), as well as Edmonton and Vancouver. This standard is also adopted by some US states.</li> <li>• Some US states use a decibel limit between 82 to 86 dBA to measure motorcycles in motion (50 ft behind the centre lane where the motorcycle is traveling). Enforcement officers cannot enforce this as they do not have the authority to pull over a moving vehicle.</li> <li>• Sound/photo radars are being piloted in some cities, to automate or enhance vehicle noise enforcement. Current cities are</li> </ul>

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	<p><i>improperly secured load or equipment, or inadequate maintenance.</i></p> <p><i>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.</i></p> <p><i>Vehicle repairs: prohibited by time and place</i></p>	<p><i>exceeding 92 dB(A) from the exhaust outlet as measured at 50 cm, while the motorcycle engine is at idle.</i></p>		<p>using proprietary technology. Effectiveness of the tool is not yet known.</p> <ul style="list-style-type: none"> <li>LED display boards have been piloted in Edmonton. However, preliminary results suggest the displays attracted more sound and caused confusion among residents.</li> </ul>
<p><b>Power Devices</b></p>	<p>The existing by-law sets out periods of time where the operation of any power device is prohibited (§ 591-4.6). These time constraints are longer (by two hours) than time constraints for other equipment such as those used in construction. A power device includes any equipment used in the maintenance or servicing of a property. This definition is often conflated with the definition of construction equipment.</p> <p><b>Provisions:</b></p> <p><i>A. No person shall emit or cause or permit the emission of sound resulting from the operation of any power device 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:</i></p> <p><i>Quiet Zone:</i>  <i>7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Saturdays and Sundays and all day on statutory holidays.</i></p> <p><i>Residential:</i>  <i>9:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.</i></p>	<p>The Committee-adopted amendment further restricts the permitted hours of use for power devices (by two hours), therefore aligning with the time constraints for construction. This improves consistency in the by-law. It also defines power devices as tools used in the servicing or maintenance of lawns which further differentiates power devices from construction equipment. An exemption for golf courses and public parks was also included.</p> <p><b>Provisions</b></p> <p><i>A. No person shall emit or cause or permit the emission of sound from a power device from 7 pm until 7 am the next day, except until 9 am on Saturdays, Sundays and statutory holidays.</i></p> <p><i>B. § 591-2.6.A. does not apply to a power device used to maintain a golf course or public park.</i></p>	<ul style="list-style-type: none"> <li>Updated time constraints align with construction, reducing confusion and increasing ease of enforcement.</li> <li>Public feedback has indicated general support for updated and more restrictive time constraints.</li> <li>Updated definition more clearly separates power devices for lawn care from construction equipment.</li> <li>An exemption for golf courses and public parks was also included due to the large volume of work required to maintain these properties. Much of this work must be conducted earlier in the day to ensure the spaces are accessible to the public. There are very low to no complaints regarding maintenance work at these spaces. This exemption is also consistent with other Canadian jurisdictions such as Calgary and Ottawa.</li> </ul>	<ul style="list-style-type: none"> <li>It was determined that banning leaf blowers is overly restrictive based on the low volume of complaints, low public support (documented in third-party public opinion research) and possible unintended impacts on industry and consumers (such as increases to time needed to perform labour and costs).</li> <li>Restricting the use of leaf blowers either by distance to a residential property, or by introducing a decibel limit of 65 was also considered. It was deemed administratively difficult and overly restrictive given the low volume of complaints received by the City. <ul style="list-style-type: none"> <li>The authority to mandate labelling of equipment is also under the jurisdiction of the federal government.</li> </ul> </li> </ul>
<p><b>General Prohibition</b></p>	<p>In the current general prohibition, the use of "likely to disturb" is subjective and difficult to enforce. For example, there are some cases where the City is asked to investigate roommates who walk too loudly on the stairs, or children playing too loudly in a backyard. These are considered reasonable uses of space, but are technically violations of the current by-law.</p> <p>The current by-law also includes a provision stating that where the source of sound is subject to more than one provision of the by-law, the most restrictive provision shall apply. Internal consultations revealed that although the intention was for specific prohibitions (where available) to be considered "more restrictive" than the general prohibition, in practice, this was sometimes interpreted to mean the opposite, leading to confusion.</p>	<p>In the Committee-adopted amendment, the general prohibition is re-worded to explicitly state that it applies to noise that is not captured by a specific prohibition, and that it must be unreasonable and persistent to be a violation of the by-law. "Unreasonable" and "Persistent" have also been defined.</p> <p><b>Provisions: Unreasonable and persistent noise</b></p> <p><i>A. No person shall make, cause or permit noise, at any time, that is unreasonable noise and persistent noise.</i></p> <p><i>B. § 591-2.9.A. only applies to sound or noise that is not described in § 591-2.1 through § 591-2.8.</i></p>	<ul style="list-style-type: none"> <li>Replaces general prohibition with "unreasonable and persistent noise". The vague and subjective nature of the current general prohibition makes it difficult to enforce, difficult to prosecute, and overall, confusing for the public and enforcement.</li> <li>New definitions of unreasonable and persistent provide additional clarity and consistency in enforcement.</li> <li>There is also general confusion among the public that a provision exists stipulating that noise is not permitted if it disturbs at any time of day. In the public opinion research, residents</li> </ul>	<ul style="list-style-type: none"> <li>Vibration has also been removed because it is covered under other areas including: <ul style="list-style-type: none"> <li>Amplified Sound through the use of dB(C);</li> <li>Construction vibration through Chapter 363; and</li> <li>Stationary source vibration through Property Standards (the equipment must be in good working order).</li> </ul> </li> </ul>

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	<p>For example, if a complainant had a complaint about construction during permitted hours (7 a.m. – 7 p.m.), they would ask to use the general prohibition instead of the provision on construction noise. However, since a specific prohibition on construction exists, the general prohibition should not be used.</p> <p><b>Provision:</b>  <i>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.</i></p>		<p>believe that noise is reasonable in a large city. Residents are generally not supportive of excessive or unreasonable noise.</p> <ul style="list-style-type: none"> <li>• Clarified the language so that it is no longer interpreted as an overarching provision. Since the specific prohibitions (e.g. construction, amplified sound, power devices) are more restrictive, the "unreasonable and persistent noise" provision will only apply where there is no specific prohibition.</li> <li>• This is consistent with other large urban centres, including London, England.</li> </ul>	
<p><b>Exemption; Public safety and highways</b></p> <p><b>Major Transit Projects</b></p>	<p>In the current by-law there are exemptions for necessary municipal work, emergency work, and major transit projects. These exemptions are under two separate provisions in the by-law including Exemption; Public Safety and Highways and Construction. The named Major Transit Projects are also outdated, and City Council has since decided to move to new transit projects.</p> <p><b>Provision:</b>  <i>§ 591-9. Exemption; public safety and highways. Despite any other provision of this chapter, it shall be lawful to emit or cause or permit the emission of sound in connection with measures undertaken for:</i></p> <p><i>A. The immediate health, safety or welfare of the inhabitants of the City under emergency circumstances.</i></p> <p><i>B. Any emergency requiring immediate action for the construction, preservation, restoration or demolition of any highway</i></p> <p><i>Under Construction (§ 591-2.1.B), there is also an exemption for necessary municipal work.</i></p>	<p>In the Committee-adopted amendment, exemptions are under one general provision to improve readability and interpretation. Instead of naming major transit projects, that may become out of date, the proposed by-law exempts government work. This also recognizes that municipal work projects are often worked on with the Province of Ontario or the Government of Canada.</p> <p>The province and federal governments are not legally compelled to adhere to municipal legislation. For example, the current Eglinton Crosstown transit project (owned by Metrolinx, an agency of the government, and operated by TTC) is not subject to the Noise By-law.</p> <p><b>Provision: Safety and government work</b>  <i>Despite any other provision of this chapter, it shall be lawful to emit or cause or permit the emission of sound from:</i></p> <p><i>A. Bells or sirens required for the purposes of public safety including sirens when operated by Police Services, Fire and Paramedic Services, or bells or whistles operated by rail or transit services;</i></p> <p><i>B. Measures undertaken for the immediate health, safety or welfare of persons under emergency circumstances; or</i></p> <p><i>C. Government work.</i></p>	<ul style="list-style-type: none"> <li>• New definition of government work is broader and includes civil construction activities and all major transit projects, eliminating the need for naming specific projects for exemption from the by-law.</li> <li>• City Divisions and Agencies have greater mechanisms for managing and mitigating noise including through their operational policies and contractual agreements.</li> <li>• Explicitly exempting the province and federal governments informs the public that work completed by other levels of government is not legally subject to municipal legislation.</li> </ul>	<ul style="list-style-type: none"> <li>• In most jurisdictions, city construction work is exempted if it is deemed necessary or in the public interest. In some cases, the regulator is able to exempt City construction work (such as in Ottawa) or agencies themselves can deem work as necessary or in the public interest (such as in New York City).</li> </ul>
<p><b>Exemption permits</b></p>	<p>The current by-law includes a process by which individuals and organizations can apply for an exemption from the Noise By-law. Permit applications are reviewed by the location City Councillor(s), and approved if the Councillor does not respond</p>	<p>The Committee-adopted amendment to the exemption permit process includes several key changes. Councillors will continue to have 14 days to review and exemption permit, which will be approved if they do not respond. The current appeal process will</p>	<ul style="list-style-type: none"> <li>• Streamlined application process reduces administrative effort for applicant and MLS.</li> </ul>	<ul style="list-style-type: none"> <li>• Removing exemption permits would be overly restrictive, and would conflict with other City priorities.</li> </ul>

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	<p>within 14 days. The authority to revoke a permit once issued is not set out in the by-law. There is an appeals process for an applicant to appeal an exemption permit request that has been denied. If appealed, a notice of hearing is sent to all residents within 100m of the location. Events or activities with an exemption permit are subject to an 85 dB(A) limit, measured 20m from the source over a 5 minute period.</p>	<p>remain. The application process would be streamlined, and would allow an applicant to apply for multiple events.</p> <p>However, the Executive Director (ED) would have the authority to request additional information as part of the exemption permit application, including reasons supporting an exemption permit, a noise mitigation plan, or a statement certified by a professional engineer or acoustical consultant for any sounds that are not technically or operationally feasible to control, or any other information as requested by the ED. Exemption permits may also be subject to conditions, for example, sound level monitoring, following a noise mitigation plan, or posting notice in a visible location 7-days prior. Finally, the ED would have the ability to revoke a permit if terms and conditions are breached.</p>	<ul style="list-style-type: none"> <li>• Additional authorities for the ED (requesting additional information, imposing conditions on a permit, revoking permits) will enable the City to proactively address noise, helping to protect residents.</li> <li>• Proposed process would account for variety of factors, such as type and complexity of event, location, history of compliance, surrounding neighbourhood context, and more.</li> </ul>	
<p><b>Offences</b></p>	<p>Under the current by-law, any person convicted of an offence is liable to a fine of not more than \$5,000. MLS has the ability to lay a charge either as a ticket with a set fine ranging from \$155 to \$305 depending on the offence, or by issuing a summons with the maximum fine of \$5,000. If an individual or business is ticketed, they have 3 options: pay the set fine, meet with a prosecutor/walk-in guilty plea or request a trial. MLS applies for set fines through the Ontario Court of Justice. Summons are typically used for more serious offences, where the defendant must appear before a Justice of the Peace. The defendant either reaches a plea agreement with the prosecutor or has a trial.</p> <p><b>Provision:</b></p> <p>Any person who contravenes any provision of this article is guilty of an offence.</p>	<p>The Committee-adopted amendment aligns with other recent by-law updates, such as Article 7 of Chapter 354, Apartment Buildings. It includes a higher fine threshold (no more than \$100,000), mandating each offence as a continuing offence (where the total of all daily fines may exceed \$100,000) and mandating that every director or officer of a corporation is also liable of an offence. Every person who gains an economic advantage from contravening this chapter shall be liable to a special fine in an amount equal to the fair market value of the economic advantage obtained from the non-compliance. MLS will also apply for higher set fines with the Ontario Court of Justice.</p>	<ul style="list-style-type: none"> <li>• Aligned with recent by-law updates, such as Chapter 354, Apartment Buildings.</li> <li>• Higher maximum fines and ability to escalate fines (each offence is a continuing offence) will help encourage compliance with the by-law.</li> </ul>	<ul style="list-style-type: none"> <li>• MLS cannot determine the set fines - must apply for set fines through the Ontario Court of Justice.</li> </ul>

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The following sections of the by-law have largely remained the same:

- Animals
- Loading and Unloading
- Religious ceremony in a place of worship
- Stationary sources and residential air conditioners
- Most restrictive provision applies
- Railway whistles

**Definitions**

New	Updated	Removed
<ul style="list-style-type: none"> <li>• Ambient Sound Level</li> <li>• Amplified Sound</li> <li>• dB(A)</li> <li>• dB(C)</li> <li>• Executive Director</li> <li>• Government Work</li> <li>• Leq</li> <li>• Motorcycle</li> <li>• Noise Mitigation Plan</li> <li>• Persistent Noise</li> <li>• Sound Level Meter</li> <li>• Unreasonable Noise</li> </ul>	<ul style="list-style-type: none"> <li>• Highway</li> <li>• Motor Vehicle</li> <li>• Noise</li> <li>• Point of Reception</li> <li>• Power Device</li> </ul>	<ul style="list-style-type: none"> <li>• Continuous pouring of concrete</li> <li>• Inhabitants</li> <li>• Large crane work</li> <li>• Necessary Municipal Work</li> <li>• Publication</li> <li>• Regular business hours</li> <li>• Zones</li> </ul>