

BY-LAW XX-2019

To amend City of Toronto Municipal Code Chapter 591, Noise.

Whereas Council has authorized amendments to Chapter 591, Noise; and

Whereas Chapter 591, Noise requires housekeeping updates to align the style and formatting of the chapter to the current Municipal Code standards;

The Council of the City of Toronto enacts:

1. City of Toronto Municipal Code Chapter 591, Noise, is amended by replacing Chapter 591 with the updated version attached as Schedule A to this by-law.
2. This by-law comes into force on October 1, 2019.

Enacted and passed on XX.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

SCHEDULE A

Chapter 591

NOISE

**ARTICLE 1
Definitions**

§ 591-1.1 Definitions.

**ARTICLE 2
Prohibitions**

§ 591-2.1. Amplified sound.

§ 591-2.2. Animals.

§ 591-2.3. Construction.

§ 591-2.4. Loading and unloading.

§ 591-2.5. Motor vehicles.

§ 591-2.6. Power devices.

§ 591-2.7. Religious ceremony in a place of worship.

§ 591-2.8. Stationary sources and residential air conditioners.

§ 591-2.9. Unreasonable and persistent noise.

§ 591-2.10. Most restrictive provision applies.

**ARTICLE 3
Exemptions**

§ 591-3.1. Safety and government work.

§ 591-3.2. Exemption permits.

**ARTICLE 4
Offences, Entry to Inspect, Orders, Remedial Action and Transition**

§ 591-3.1. Offences.

§ 591-3.2. Entry to inspect.

§ 591-3.3. Orders to comply.

§ 591-3.4. Remedial action.

§ 591-3.5. Transition.

**ARTICLE 5
Railway Whistles**

[unchanged]

**ARTICLE 1
Definitions**

§ 591-1.1. Definitions.

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

AMBIENT SOUND LEVEL - The sound level that is present in the environment, produced by sound sources other than the source under assessment.

AMPLIFIED SOUND – Sound made by 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.

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 with these activities.

CONSTRUCTION EQUIPMENT - Any equipment or device designed and intended for use in construction, or material handling, including 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, and any 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 level in decibels obtained when using a sound level meter with the A-weighting.

City of Toronto By-law XX-2019

dB(C) – The sound level in decibels obtained when using a sound level meter with the C-weighting.

EXECUTIVE DIRECTOR – The Executive Director of Municipal Licensing and Standards or their designate or successor.

GOVERNMENT WORK – Construction, rehabilitation or maintenance work conducted by the City, the Province of Ontario, the Government of Canada and any of its agencies or agents including the operation of motor vehicles and equipment actually engaged in the work.

HIGHWAY - includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

Leq – The energy equivalent sound level or the continuous sound level that would result in the same total sound energy being produced over a given period of time.

MOTORCYCLE - Means a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, and includes a motor scooter, but does not include a motor assisted bicycle.

MOTOR VEHICLE - Includes an automobile, a motorcycle, a motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine.

NOISE – A sound that a person finds disturbing to their peace, rest, enjoyment, comfort or convenience.

NOISE MITIGATION PLAN – A plan as required and approved by the Executive Director that addresses the mitigation of sound not in compliance with the requirements of this chapter from planned events or activities.

PERSISTENT NOISE – Any noise that is continuously heard for a period of ten minutes or more or intermittently over a period of one hour or more.

PLACE OF WORSHIP - A building dedicated to religious worship, including a church, synagogue, temple, mosque, monastery or convent.

POINT OF RECEPTION - Any location on the premises of a person where sound originating from other than those premises is received. The following locations are points of reception:

- (1) An outdoor area that is:

City of Toronto By-law XX-2019

- (a) near the façade of a building, at a height of 1.5 metres above ground, typically in backyards, front yards, terraces or patios; or
 - (b) on a balcony or elevated terrace (for example, a rooftop) provided it is not enclosed; or
- (2) An indoor area that is inside a building with windows and doors closed.

POWER DEVICE - Any equipment driven otherwise than by muscular power used in the servicing, maintenance or repair of lawns, including chainsaws, lawn mowers, leaf blowers, grass trimmers or any other similar equipment. A power device does not include equipment used to remove snow or ice.

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

SOUND LEVEL METER - An instrument that measures levels of sound as approved for use by the Executive Director.

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

UNREASONABLE NOISE – Any noise that would disturb the peace, rest, enjoyment, comfort or convenience of a reasonable person in the circumstances. Unreasonable noise does not include commonplace household or workplace sounds such as sound from furniture being moved, children playing or people engaging in conversation.

ARTICLE 2
Prohibitions

§ 591-2.1. Amplified sound.

- 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:
- (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
 - (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.

City of Toronto By-law XX-2019

- B. If, during the course of an investigation, a Provincial Offences Officer such as a Bylaw 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:
- (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
 - (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.

§ 591-2.2. Animals.

No person shall cause or permit persistent noise, including barking, calling or whining or other similar persistent noise, to be made by any animal kept or used for any purpose.

§ 591-2.3. Construction

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:

- (1) from 7 pm to 7 am the next day, except until 9 am on Saturdays; and
- (2) all day on Sundays and statutory holidays.

§ 591-2.4. Loading and Unloading.

No person shall emit or cause or permit the emission of sound resulting from loading, unloading, delivering, packing, unpacking, and otherwise handling any containers, products or materials from 11 pm to 7 am the next day, except until 9 am on Saturdays, Sundays and statutory holidays.

§ 591-2.5. Motor vehicles.

- 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.
- 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

City of Toronto By-law XX-2019

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.

- C. No person shall emit or cause or permit the emission of sound from a motorcycle, if the motorcycle emits any sound exceeding 92 dB(A) from the exhaust outlet as measured at 50 cm, while the motorcycle engine is at idle.

§ 591-2.6. Power devices.

- 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.
- B. § 591-2.6.A. does not apply to a power device used to maintain a golf course or public park.

§ 591-2.7. 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.

§ 591-2.8. Stationary sources and residential air conditioners.

- A. No person shall cause or permit the emission of sound from a stationary source or residential air conditioner that, when measured with a sound level meter a point of reception, has a sound level (expressed in terms of Leq for a one-hour period) exceeding 50 dB(A) or the applicable sound level limit prescribed in provincial noise pollution control guidelines.
- B. § 591-2.8 does not apply to the emission of sound from a stationary source that is in compliance with a provincial environmental compliance approval.

§ 591-2.9. Unreasonable and persistent noise.

- A. No person shall make, cause or permit noise, at any time, that is unreasonable noise and persistent noise.
- B. § 591-2.9.A. only applies to sound or noise that is not described in § 591-2.1. through § 591-2.8.

§ 591-2.10. Most restrictive provision applies.

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

ARTICLE 3
Exemptions

§ 591-3.1. Safety and government work.

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

- 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;
- B. Measures undertaken for the immediate health, safety or welfare of persons under emergency circumstances; or
- C. Government work.

§ 591-3.2. Exemption permits.

- A. Any person may apply for an exemption permit from a noise prohibition or noise limitation provision in this chapter, in connection with one or more events or activities for no more than a three month period, by filing with the Executive Director the following:
 - (1) An application in the form prescribed by the Executive Director;
 - (2) The non-refundable application fee set out in Chapter 441, Fees and Charges; and
 - (3) Any information relevant to the application as requested by and to the satisfaction of the Executive Director including:
 - (a) Reasons supporting an exemption permit;
 - (b) A noise mitigation plan;
 - (c) A statement certified by a professional engineer or acoustical consultant for any sounds that are not technically or operationally feasible to control.
- B. Upon receipt of an application under § 591-3.2.A., the Executive Director shall give written notice to the Councillor of any ward where each event or activity is to be held and, where each event or activity is to be held on a boundary street between wards, to the Councillors of the adjoining wards.
- C. The Executive Director shall issue an exemption permit if all of the following conditions have been met:
 - (1) All of the Councillors notified under § 591-3.2.B. have either:

City of Toronto By-law XX-2019

- (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, to the satisfaction of the Executive Director, with the last exemption permit, if any, issued to them.
- (3) The applicant has provided the following:
- (a) The applicant's name, address, and telephone number;
 - (b) The date, time and location of each event or activity for which the exemption permit is sought and, where applicable, the number of people expected to attend;
 - (c) The purpose for which the exemption permit is required;
 - (d) The description of any sound equipment or construction equipment to be used;
 - (e) The name, address and telephone number of at least one contact person who will supervise each event or activity; and
 - (f) A written undertaking that one or more contact persons responsible for supervising each event or activity will be on-site during the entire event or activity to ensure compliance with the terms and conditions of the exemption permit.
- (4) The applicant has paid all required fees.
- D. An exemption permit shall be subject to the following conditions:
- (1) A notice of the exemption permit shall be posted in a visible location where each event or activity will occur 7 days prior to the event or activity. This condition may be altered or waived by the Executive Director;
 - (2) If required by the Executive Director, the event or activity shall comply with a noise mitigation plan;
 - (3) If required by the Executive Director, the sound levels resulting from each event or activity shall be monitored by City staff with the applicant paying the charges for this monitoring as set out in Chapter 441, Fees and Charges;
 - (4) The sound emitted from any equipment shall not exceed a sound level (expressed in terms of Leq for a ten-minute period) of 85 dBA when measured 20 metres from the source;

City of Toronto By-law XX-2019

- (5) Where the sound level exceeds 85 dBA, the applicant shall comply with any request made by police officer or a Provincial Offences Officer such as a Bylaw Enforcement Officer with respect to the volume of sound from the equipment to ensure compliance with § 591-3.D.(2);
 - (6) No sound equipment or construction equipment other than the equipment approved under the exemption permit shall be used by the applicant;
 - (7) Each event or activity shall be restricted to the approved location; and
 - (8) The permission granted shall be for the date and times for each event or activity as set out in the exemption permit.
 - (9) Such other conditions as may be required by the Executive Director
- E. (1) Where the Executive Director refuses to grant an exemption permit under this subsection, 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 each proposed event or activity by filing an appeal within 21 days of the date of the notice, along with the applicable fee as set out in Chapter 441, Fees and Charges, with the City Clerk at the address shown on the notice.
- (2) Notice of hearing shall be sent to all residents within 100 metres of the location where each event or activity is proposed to be held as shown on the last revised assessment rolls and at the applicant's expense.
 - (3) Where the location of each proposed event or activity under appeal falls on the boundary street of more than one community council, each affected community council shall provide its recommendations to Council for its consideration of the appeal under § 591-3.2.E.
 - (4) Council, or the community council under delegated authority, may issue or refuse an exemption permit.
 - (5) If the community council under delegated authority or Council issues an exemption permit, the exemption permit is subject to the conditions set out in § 591-3.2.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.
- F. Despite anything contained in this subsection, where an application for an exemption permit is made by the City or any of its agencies, boards or commissions:

City of Toronto By-law XX-2019

- (1) The application shall be submitted directly to the Executive Director by the City department, agency, board or commission seeking the exemption permit.
 - (2) The fees in Chapter 441, Fees and Charges, do not apply.
 - (3) § 591-3.2.C.(3)(e) and (f) do not apply.
- G. The Executive Director may revoke an exemption permit, with or without notice, if there is non-compliance any of the exemption permit's conditions.

ARTICLE 4

Offences, Entry to Inspect, Orders, Remedial Action and Transition

§ 591-4.1. Offences.

- 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 fails to comply with an exemption permit issued or an order made under this chapter, is guilty of an offence and on conviction is liable to a fine of no more than \$100,000
- C. In addition to a fine or fines provided for in this subsection 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.
- D. In addition to offences referred to in § 591-4.1.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.
- E. Where a corporation contravenes any provision 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 \$100,000.
- F. Where a corporation fails to comply with an exemption permit issued or an order made under this chapter, every director or officer who concurs in such non-

City of Toronto By-law XX-2019

contravention is guilty of an offence and on conviction is liable to a fine of no more than \$100,000.

- E. Each offence is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.

§ 591-4.2. Entry to inspect.

- A. In accordance with section 376 of the City of Toronto Act, 2006, a By-Law Enforcement Officer may enter upon land within the City at any reasonable time for the purpose of carrying out inspections to determine whether the following are being complied with:
 - (1) This chapter; or
 - (2) A notice or order issued in accordance with this chapter.
- B. For the purposes of an inspection under § 591-4.2.A, a By-law Enforcement Officer may:
 - (1) Require, for inspection, the production of documents or things relevant to the inspection;
 - (2) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts of them;
 - (3) Require information from any person concerning a matter related to the inspection;
 - (4) Be accompanied by such person or persons as the By-law Enforcement Officer determines is necessary if such person or persons possesses special or expert knowledge related to the purpose of the inspection; and
 - (5) Make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

§ 591-4.3. Orders to comply.

- A. A By-law Enforcement Officer who finds a contravention of this chapter may make one or more orders requiring discontinuance of the contravening activity or to do work to correct the contravention under section 384 or 385 of the City of Toronto Act, 2006.

City of Toronto By-law XX-2019

- B. The order may be served personally on the person to whom it is directed or by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed.
- C. If there is evidence that the occupant of the land is not the registered property owner, the notice shall be served on both the registered property owner and the occupant of the land.
- D. If the address of the registered property owner is unknown, the City is unable to effect service on the registered property owner or occupant of the land under § 591-3.2.B. or the delay necessary to give an order would result in circumstances that endanger the health or safety of any person or similarly serious consequences, a placard stating the terms of the order and placed in a conspicuous place upon land on or near the property shall be deemed to be sufficient notice to the registered property owner or the occupant of the land.

§ 591-4.4. Remedial action.

If a person fails to comply with an order to do work to correct a contravention under this chapter, the Executive Director, or persons acting upon his or her instructions, may enter the lands at any reasonable time for the purposes of doing the things described in the order at the person's expense.

§ 591-4.5. Transition.

The provisions of this Chapter do not apply to exemption permits granted before October 1, 2019 provided that the holder of such permits continue to comply with the conditions of their original permits and that such permits are not revoked, terminated and do not expire.

Article 5
Railway Whistles

[unchanged]