

**RE: EC3.6**

# **Noise By-law Review: Proposed Amendments to Chapter 591**

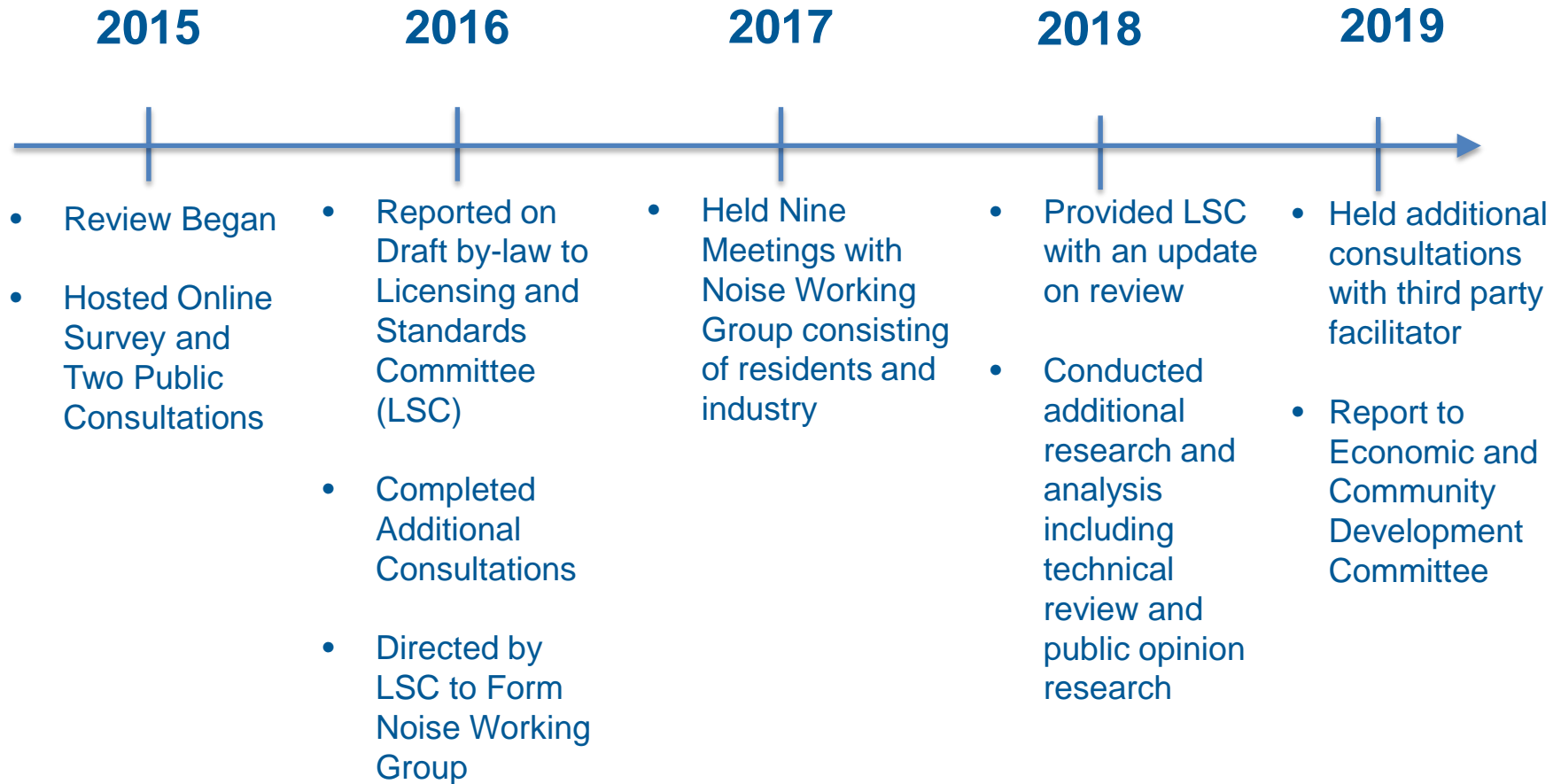
**April 3, 2019**

**Economic and Community Development Committee**

# Report Summary

- Noise By-law provides standards for noise, and applies to all properties in Toronto. It regulates episodic noise, which are generally related to the day-to-day activities of residents and businesses. The existing by-law has not been comprehensively reviewed since 2002.
- Since 2014, there have been 11 directives from Committee and Council to conduct additional research and consultations on various topics within the Noise By-law.
- This report proposes substantial amendments to the Noise By-law to address several specific noise issues such as amplified sound, the general prohibition, and noise from construction, power devices, and motor vehicles.

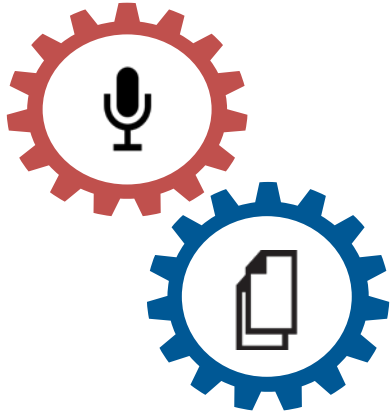
# Timeline and Additional Work



# Additional Research and Consultations Since April 2018

- Technical review of the current and 2016 proposed Noise By-law by a third-party, independent acoustical engineering firm.
- Broad and statistically significant public opinion research on resident attitudes, experience and concerns with noise in the city of Toronto, conducted by a third-party public opinion research firm.
- Additional research and data analysis, including jurisdictional best practices and approaches, as well as review of internal enforcement and complaint data.
- Extensive consultation with internal and external stakeholders, including five public meetings facilitated by a third-party facilitation team.

# Public Engagement - 2019



- 220 participants at 5 public consultations:
  - Power Equipment;
  - Motor Vehicles;
  - Amplified Sound;
  - Construction Noise; and
  - General Noise and Exemption Permits.
- 300 feedback emails received.
- 1,001 interviews through Public Opinion Research

# What was Heard?

## Public Consultations:

- Overall support for updating the Noise By-law, particularly with more clarity, objective measures of noise, and strengthened enforcement.
- Participants also emphasized the importance of prioritizing the protection of public health. Staff from Toronto Public Health were present at all public consultation meetings.

## Public Opinion Research:

- 46% of residents are concerned about noise pollution
- Other issues of concern to residents:
  - traffic and congestion (77%),
  - public safety (75%),
  - overcrowding on public transit (74%),
  - housing affordability (73%), and
  - the environment (65%).
- Overall, a majority (64%) of residents believe that noise levels in the city of Toronto are reasonable and reflect life in a big city.
- 36% of residents believe that more needs to be done to restrict noise because of potential negative health consequences.

# Highlight of Proposed Amendments

Added Greater Objectivity	<ul style="list-style-type: none"><li>• Added decibel limits for amplified sound and motorcycles based on recommendations from technical reviews, provincial guidelines and industry standards.</li><li>• Added regulations for unreasonable and persistent noise which provides for clearer and more consistent application and enforcement.</li></ul>
Improved Clarity	<ul style="list-style-type: none"><li>• Updated definition for power devices to better differentiate it from construction equipment.</li><li>• Harmonized time constraints between power devices and construction.</li><li>• Expanded provision for government work eliminating the need for exemptions for all City related work.</li><li>• Included an explicit exemption for Province of Ontario and Government of Canada who are already legally exempt from municipal regulation.</li></ul>

# Proposed Amendments, Continued

<p>Strived for common ground between stakeholders</p>	<ul style="list-style-type: none"><li>• Removed the blanket exemption for continuous concrete pouring and large crane work. This work will still be allowed, but through the updated exemption permit process.</li><li>• Introduced an indoor and outdoor point of reception measurement for amplified sound.</li></ul>
<p>Greater compliance tools</p>	<ul style="list-style-type: none"><li>• Ability to revoke permits and impose conditions when necessary on exemption permits, including the submission of a noise mitigation plan and noise monitoring.</li><li>• Updated offences including higher fine threshold (no more than \$100,000), mandating each offence as a continuing offence and mandating that every officer of a corporation is also liable of an offence.</li></ul>



# Other Considerations

Public health	<ul style="list-style-type: none"><li>• Growing awareness of health impacts associated with environmental noise. TPH is working with City partners, including MLS, to identify environmental noise mitigation strategies for the City.</li></ul>
Leaf blowers	<ul style="list-style-type: none"><li>• Proposed by-law reduces the hours when power devices such as leaf blowers and lawnmowers can be used (currently 7 am – 9 pm to proposed 7 am – 7 pm).</li><li>• Staff determined that a ban would be an overly restrictive burden on individuals, companies and industries using leaf blowers.</li><li>• There are challenges with the practicality of setting decibel limits for a specific type of equipment when the labeling of equipment is under federal jurisdiction.</li></ul>
Interior commercial construction	<ul style="list-style-type: none"><li>• Construction regulations apply to all construction including interior work within existing commercial space.</li><li>• 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></ul>

# Other Considerations, Continued

Motorcycle noise	<ul style="list-style-type: none"><li>Proposed by-law for a limit of 92 dBA at idle is recommended by the Society of Automotive Engineers. This standard is used in several other jurisdictions, including only the two in Ontario that regulate motorcycle noise (Caledon and Oakville).</li></ul>
Decibel reading at source versus point of reception	<ul style="list-style-type: none"><li>Proposed by-law requires measurement of sound at point of reception. Measurement would be taken from the outdoor living area where possible; indoor living area if necessary.</li><li>Technical experts did not support measurement at the source of sound, as you are unable to determine the sound level impacting the complainant.</li><li>New York City has a point of reception and point of source measurement, but due to their experience have advised against measurement at the source.</li></ul>

# Other Considerations, Continued

Vibration	<ul style="list-style-type: none"><li>• Vibration is covered under proposed rules for amplified sound (dB(C) limits) and under construction rules (Chapter 363).</li><li>• Regulations for stationary sources and residential air conditioners are set by the Ministry of Environment. dB(C) is not included in these provincial regulations.</li><li>• Any vibration from a stationary source such as a residential A/C could also be looked at through the Property Standards By-law to ensure the equipment is properly maintained.</li></ul>
Continuous concrete pouring and large crane work should continue	<ul style="list-style-type: none"><li>• Proposed by-law to remove exemptions does not prevent this work. Activity would be permitted (outside of permitted hours) with an exemption permit.</li><li>• In public opinion research, residents are generally not supportive of private construction work at night.</li><li>• Based on jurisdictional scan, Toronto is the only municipality that has a blanket exemption.</li></ul>

# Changes to Enforcement of Noise

- MLS is reviewing the existing processes related to noise investigation and enforcement, including:
  - Developing a priority response model to address noise complaints – high priority assigned to issues occurring with greater frequency and have a more significant impact.
  - Updating the standard operating procedure and technical manual for noise, supported by an Officer training program to improve consistency in enforcement.
  - Recently changed the by-law enforcement hours of coverage to better reflect when complaints are being received.
  - Mediation referral pilot program.

# Next Steps and Implementation

- Staff recommend the proposed amendments to the Noise By-law come into effect on October 1, 2019.
- MLS is developing an implementation plan including finalizing the priority response model, updating the policy and standard operating procedures for noise investigations, creating a noise technical manual, and enhancing back-end technology systems.
- If the proposed By-law changes are adopted, MLS will proceed with identifying and procuring sound level meters, and securing a qualified third-party firm to provide additional technical training to support Officers.

# Thank You