

## **Supplementary Report – Outstanding Noise Directives – Additional Information on Leaf Blower Noise**

**Date:** July 18, 2022

**To:** City Council

**From:** Executive Director, Municipal Licensing and Standards

**Wards:** All

### **SUMMARY**

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At its meeting on July 6, 2022, the Economic and Community Development Committee adopted, with amendments, EC31.4: Report on Outstanding Noise Directives. The Committee directed Municipal Licensing and Standards to report directly to the July 19 and 20, 2022 City Council meeting on potential amendments to the by-law to further restrict gas-powered leaf blowers to specific months or seasons and to specific days and hours.

This supplementary report provides City Council with further information regarding options to restrict the noise from leaf blowers and their limitations. Staff do not recommend any additional changes to the Noise Bylaw at this time.

### **FINANCIAL IMPACT**

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There are no financial implications resulting from this report. The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

### **DECISION HISTORY**

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On July 6, 2022, the Economic and Community Development Committee adopted, with amendments, [EC31.4: Report on Outstanding Noise Directives](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.EC31.4) (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.EC31.4>), dated May 13, 2022, and requested the Executive Director, Municipal Licensing and Standards, to report directly to the July 19 and 20, 2022 City Council meeting on potential amendments to the by-law to further restrict gas-powered leaf blowers to specific months or seasons and to specific days and hours.

## COMMENTS

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As directed by the Economic and Community Development Committee, in this Supplementary Report, staff discuss potential amendments to the Noise Bylaw (Toronto Municipal Code Chapter 591, Noise) in relation to noise from leaf blowers.

A full review of the Noise Bylaw is expected in 2023. The review will assess the amendments made in 2019, including the effectiveness of the current decibel limits for amplified sound, trends in complaints and resolutions, and opportunities to strengthen enforcement. This provides sufficient time for broad public consultation on a variety of issues.

As identified in the Report on Outstanding Noise Directives (EC31.4), staff do not recommend a ban on gas-powered leaf blowers from a noise perspective. A ban would be difficult to enforce and would likely be subject to legal challenge. In EC31.4, staff also noted that compared to other noise categories, such as amplified sound, complaints from leaf blowers and other power devices remain relatively low. From October 1, 2019 to June 30, 2022, complaints of power device noise totalled 896, including 174 related to leaf blower noise. Power device complaints represent approximately 2% of total noise complaints since October 2019, with amplified sound complaints representing 50% of the total. However, recognizing that this continues to be an issue for some residents, EC31.4 recommends restricting power device noise by one hour (8 a.m. instead of 7 a.m. on weekdays), which will help address concerns about early morning noise.

Lawn and yard equipment, including devices that are gas-powered, are used by various City divisions for a wide range of operational maintenance activities across the City. MLS consulted with relevant City staff in preparation of the EC31.4 report. The Parks, Forestry and Recreation and Transportation Services Divisions are committed to phasing out the use of two-stroke gas equipment as this equipment requires replacement and an alternative is available that meets operational needs. Before setting higher standards for the public and in order to demonstrate leadership in the transition to green equipment and gas alternatives, a report back on a transition plan and feasibility assessment of phasing out gas-powered leaf blowers for municipal use by 2025, as requested through Phasing Out Gas-Powered Leaf Blowers for Municipal Use (IE25.21), is planned for early 2023 and will include all City Divisions that utilize this equipment. The proposed 2025 timeline provides operators with necessary time to make changes to their equipment fleet and supports TransformTO's Net Zero Strategy and its GHG reduction targets (from 1990 levels), of 45% by 2025 and 65% by 2030.

### *Restricting noise from gas-powered leaf blowers*

The Noise Bylaw regulates noise levels, quantitatively and qualitatively. It does not otherwise address environmental or health concerns. The Noise Bylaw regulates noise from various power devices, gas or otherwise, limiting the times of day when they can be employed, and should apply uniformly to all power devices to ensure fair and consistent enforcement across the City.

Staff recognize that there are environmental and health concerns related to gas-powered leaf blowers that are beyond the scope of the Noise Bylaw, and that a number of residents support restrictions on gas-powered leaf blowers as a tool to support carbon reduction and address air quality concerns. While the City has the authority (under the City of Toronto Act, 2006) to impose a ban on the use of certain types of gas-powered equipment (provided the municipal purpose is supported by a rationale such as environmental or health interests), City Council would need to authorize the creation of a separate bylaw to enforce any ban of such an activity. Any ban on gas-powered equipment is outside of the scope of the Noise Bylaw and would require its own process be developed.

*Limiting noise from leaf blowers to specific months and seasons*

The option to further limit noise from leaf blowers to specific months or seasons is feasible under the Noise Bylaw but it is not recommended by staff at this time. Further limits on leaf blowers specifically would require further study to develop an appropriate rationale, including the times when leaf blowers are most disruptive and the distinctions between leaf blowers and other power devices.

Complaints about leaf blowers, as well as other power devices such as chainsaws, lawnmowers and grass trimmers are received year round (see Table 1), and determining a timeframe for seasonal restrictions would be challenging given leaf blowers have a variety of uses.

Table 1: Power device and leaf blower complaints (October 2019 – June 2022), by Month

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
All power devices													
<b>2019</b>										64	35	43	142
<b>2020</b>	30	17	9	-	-	16	49	45	27	31	17	14	255
<b>2021</b>	11	22	24	21	56	49	40	33	28	29	26	6	345
<b>2022</b>	9	9	7	19	57	53							154
<b>Total</b>	50	48	40	40	113	118	89	78	55	124	78	63	896
Leaf blowers													
<b>2019</b>										9	12	6	27
<b>2020</b>	2	-	2	-	-	1	9	6	4	6	10	1	41
<b>2021</b>	-	7	-	5	10	13	4	3	7	9	8	1	67
<b>2022</b>	-	1	2	6	16	14							39
<b>Total</b>	2	8	4	11	26	28	13	9	11	24	30	8	174

From the jurisdictions researched for the EC31.4 report, only one jurisdiction in Canada (Westmount, Quebec), has a seasonal restriction on leaf blowers. In Westmount, leaf blowers are permitted April 1 to May 1 and October 1 to December 1 to accommodate leaf clean-up. City Council could consider a similar seasonal prohibition, however,

prohibiting noise from leaf blowers, even in specific months, will have an impact on businesses and consumers as it would increase the costs and resources, including amount of labour and time, to complete tasks. Lawn care and landscape companies may employ leaf blowers year-round for their operations, as they are a useful tool in property maintenance. In addition, from a noise perspective, there are areas or instances where leaf blowers could be employed in Toronto where there may be no noise impacts to neighbours. In such cases, a month-based or seasonal restriction would serve no purpose and could cause undue burden on businesses that use the equipment. If pursued, to ensure City operations are able to continue when needed, the exemption proposed in EC31.4 for all City operations and contracted services should be maintained.

#### *Limiting noise from leaf blowers to specific days and hours*

As identified in the Report on Outstanding Noise Directives (EC31.4), there are no other municipalities in Canada that have implemented a City-wide ban on the public use or sale of gas-powered equipment and the majority regulate noise from equipment via time and day restrictions.

The option to limit noise from leaf blowers to specific days and hours is feasible under the Noise Bylaw. Time-of-use restrictions are the most efficient and reasonable way to limit leaf blower noise and are the current approach that the Noise Bylaw takes to regulate multiple noise types, including construction and loading and unloading. Currently, the Noise Bylaw stipulates that noise is not permitted from power devices from 7 p.m. until 7 a.m. the next day, except until 9 a.m. on Saturdays, Sundays and statutory holidays. Power devices used for the maintenance of public parks and golf courses are exempt.

The Economic and Community Development Committee adopted the staff recommendation in EC31.4 to extend the time prohibition for power device noise by one hour to 8 a.m. on weekdays instead of 7 a.m., which is expected to reduce the number of complaints by approximately 9%. In submissions for the EC31.4 report, residents expressed that leaf blower noise in the earlier timeframes was the most disruptive. In addition, during the 2019 Noise Bylaw review, participants at the public consultations were generally supportive of time-of-use constraints. Staff maintain that this time change will support a further reduction in noise complaints, and aligns Toronto with comparable jurisdictions like Vancouver and New York City.

Prohibiting noise from leaf blowers on particular days is also a feasible option. From the jurisdictions researched for the EC31.4 report, only one (Westmount, Quebec), prohibits any noise from leaf blowers on Sundays. To further reduce power device noise generally, City Council could consider prohibiting noise from power devices on Sundays, which captures 25% of historical leaf blower complaints since October 2019 (see Table 2). If pursued, to ensure City operations are able to continue when needed, the exemption proposed in EC31.4 for all City operations and contracted services should be maintained. However, staff have not consulted the public or stakeholders on this proposal and this change could have unintended consequences that have not been explored.

Table 2: Leaf blower noise complaints (October 2019 – June 2022), by Day

Day	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Total
<b>Total</b>	45	24	17	16	20	23	29	174

*Next steps*

As is identified in EC31.4, staff recommended three actions to respond to power device and leaf blower noise, supported by Committee:

1. Further restricting power device noise by one hour (8 a.m. instead of 7 a.m. on weekdays).
2. Conducting public education on lawn equipment noise to educate residents about how they can use alternative strategies and green technologies to maintain yards and how they can minimize the community impacts of leaf blower usage.
3. Assessing options to consider decibel limits for power devices during the 2023 Noise Bylaw Review.

It was noted in the EC31.4 report that in Canada, electric “handheld” leaf blowers represented more than 85% of all product shipments in 2021 and that these trends will continue without additional action being taken. As part of public education efforts, City staff will educate the public on switching to greener technologies as well reducing the impacts of leaf blower use. Assessing options for a decibel limit for leaf blowers and/or power devices in 2023 may also help convert additional users to using greener and/or lower noise equipment.

As noted above, a report back on the transition plan and feasibility assessment of phasing out gas-powered leaf blowers for municipal use by 2025 is planned for early 2023 and is being led by other City divisions.

**CONTACT**

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**SIGNATURE**

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