

Implementation Review of the Noise By-law

Presentation by the Municipal Licensing and Standards
Division (MLS)

Toronto Music Advisory Committee (TMAC)

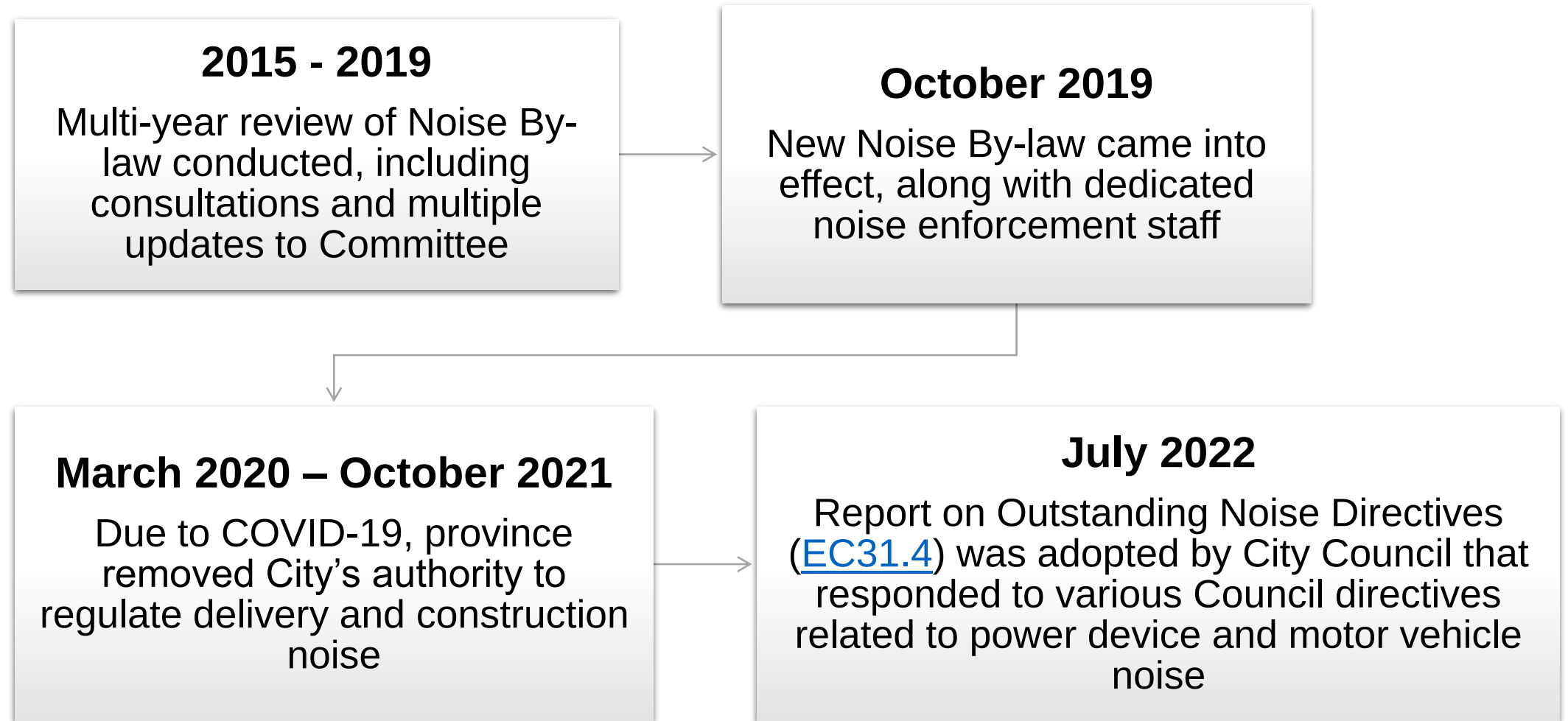
November 22, 2023



Overview

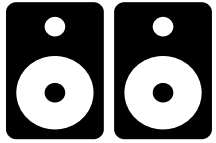
- City Council approved amendments to the Noise By-law in 2019 after a multi-year review
- As per direction from City Council, an implementation review is now being conducted to assess the successes and challenges with the 2019 amendments and consider potential refinements
- Public consultations were held on the implementation review in September 2023
- Staff intend to report to the Economic and Community Development Committee in **January 2024**

Noise By-law Developments



2019 Noise By-law Review

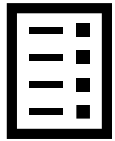
Key Amendments



Introduced daytime and nighttime numerical limits (decibels) to measure amplified sound from a point of reception



Replaced the general prohibition with a provision for "unreasonable and persistent noise" (only applied when not captured by a specific prohibition)



Strengthened exemption permit process with the ability to revoke permits and impose conditions, like a noise mitigation plan, when necessary



Removed quiet zones and harmonized time constraints



Introduced an online 311 reporting system and a Dedicated Noise Enforcement Team, which currently has 27 staff and late night-coverage (to 2 a.m.)

Potential Refinements

Note: Potential refinements are in draft form, may not be fully detailed, and are subject to approval by City Council. For discussion purposes only.

Amplified Sound

Current Regulations (introduced in 2019):

Amplified sound is prohibited at a point of reception if it exceeds the following:

- **In an outdoor living area:** 50 dB(A) or 65 dB(C) from 11 p.m. to 7 a.m. or 55 dB(A) or 70 dB(C) from 7 a.m. to 11 p.m.
- **In an indoor living area:** 45 dB(A) or 60 dB(C) from 11 p.m. to 7 a.m. or 50 dB(A) or 65 dB(C) from 7 a.m. to 11 p.m.
- If ambient exceeds limits noted, prohibited if at or exceeding ambient level

Point of reception = Any location on the premises of a person where sound originating from other than those premises is received

Amplified Sound – Potential Refinements

STATUS QUO	POTENTIAL REFINEMENT 1	POTENTIAL REFINEMENT 2	POTENTIAL REFINEMENT 3
§ 591-2.1. Amplified sound	Consider lowering decibel limits	Consider additional enforcement pathway	Introduce separate sections and decibel limits for ‘commercial’ vs. ‘living area’ amplified sound
- Maintain current limits and language	- Lower outdoor limits by 5 decibels and indoor limits by 10 decibels - Or consider <u>only</u> lowering indoor nighttime limits	- Permit an additional pathway to measure sound from the <u>property line of a point of reception</u>	- Commercial: music from a bar - Living area: neighbour to neighbour complaints - Could have different decibel limits to reflect context of disturbance

Exemption Permits

- Permits can be requested for activities that may contravene the Bylaw
- **In 2019**, permit process was streamlined to:
 - Allow permits for one or more events or activities
 - Provide MLS with the authority to request a noise mitigation plan and/or sound levels monitoring by City staff
- Permits are subject to Councillor approval and are limited to 85 dB(A) 20 metres from the source, amongst other conditions
 - **Note:** The 85dB(A) condition was not introduced in 2019, it was included in the previous version of the Bylaw
- In 2022, MLS issued 865 exemption permits, and in 2023, 980 permits have already been issued as of August 31

Exemption Permits – Potential Refinements

POTENTIAL REFINEMENT 1	POTENTIAL REFINEMENT 2
Update provisions	Consider graduated exemption permits
- Re-visit decibel measurements and measurement from the source – consider higher limit measured from the nearest point of reception/property line of event and/or separate limits for amplified sound vs. construction exemption permits - Set application deadline of 4 weeks prior to event, with an associated late fee - Consider setting a limit for how long a permit lasts (3 or 6 months) - Clarify Councillor has 14 <u>calendar</u> days to respond and object - Consider waiving permit fees for not-for profit organizations	- Introduce (1) Low impact or (2) High impact permits - Impact to be defined based on number of attendees, type of equipment being used, duration and location - High impact events to also provide rationale for exemption, noise mitigation plan, and/or statement from acoustical engineer

Noise Fees

Changes to exemption permit application and noise monitoring fees will be proposed in the staff report (subject to additional analysis), the report will also include consideration of a late fee for exemption permit applications

	EXEMPTION PERMIT APPLICATION FEE	NOISE MONITORING FEE
SUMMARY	Fee is required for each application	If monitoring is required as a condition of the exemption permit, staff must be made available
CURRENT AMOUNT	\$100 (not adjusted annually)	\$60 per staff per hour (not adjusted annually)
RATIONALE	- Fees do not differ depending on impact of event - Updated analysis is needed to ensure the fee is fully cost recovery per the City's User Fee Policy	- Per hour calculation is not reflective of current salaries or staff overtime - Updated analysis is needed to ensure full cost recovery per the City's User Fee Policy

Feedback Received from Music Industry in 2023

Amplified sound

- Continue to support decibel measurements from the point of reception
- Current decibel levels should not be lowered

Other

- In presenting 311 data, City should provide info on the number of individuals making complaints and how many are from the same complainant
- By-law processes should reflect the positive impacts (culture and economic development) of live music events
- Additional processes should be implemented for discourse between City and cultural providers

Exemption permits

- The 85dB(A) limit from the source is unreasonable and makes it difficult to structure events
 - Should be higher and/or measured from the nearest point of reception or property line of the event
- There is a lot of sound that exists at an event that is not specific to amplified sound (generators, food trucks, crowd) that ends up being measured within the current process

Next Steps

- MLS is finalizing a staff report in the coming months
- You are welcome to submit any further comments to MLS staff, including any comments on your experiences with the By-law, feedback on the draft potential refinements, and other proposals would you like the City to consider:

Mitchell Thibault, Policy and Planning Advisor

Mitchell.Thibault@toronto.ca

- The report, recommending refinements to the Noise By-law, is expected that at the **January 11, 2024**, meeting of the Economic and Community Development Committee
 - MLS staff will notify TMAC membership when the report is public and how to depute at Committee

Appendix

Feedback Received from Music Industry During the 2019 Noise By-law Review

- Vague “clearly audible” verbiage in the By-law should be replaced with actual decibel limits so that music venue owners and event organizers can better understand the boundaries of legal operation.
- The exemption process is not efficient - should be streamlined with other processes, be broadly communicated to residents, and permit should be withdrawn if permit conditions are breached.
- The 85 dBA limit condition for exemption permits (measured 20 metres from the source) is unreasonably low and makes it very difficult for outdoor event organizers to create successful events and festivals.
- The Agent of Change principle should be used in specially designated areas of Toronto to determine the responsibility for noise mitigation costs.

311 Noise Complaints

Noise Service Type	2020	2021	2022	2023 (as of Oct 3)	Total	% Total
Amplified Sound	6,821	9,822	9,890	7,473	34,006	53%
Construction Noise	2,238	2,795	4,855	3,640	13,528	21%
Loading and Unloading Noise	404	447	457	149	1,457	2%
Motor Vehicle Noise	449	565	677	429	2,120	3%
Power Device Noise	255	345	326	315	1,241	2%
Stationary Source Noise	905	1,372	1,125	786	4,188	6%
Unreasonable and Persistent Noise	2,129	1,977	2,137	1,663	7,906	12%
Grand Total	13,201	17,323	19,467	14,455	64,446	100%

How were refinements created?

- ✓ Updated public opinion research
- ✓ Feedback from residents, stakeholders, and enforcement staff since 2019 (including 311 complaints and enforcement data)
- ✓ Draft technical assessments from acoustic engineering firm
- ✓ Jurisdictional scan of noise regulations from other municipalities

Note: Potential refinements are in draft form, may not be fully detailed, and are subject to approval by City Council. For discussion purposes only.

Criteria for Considering Bylaw Amendments

Criteria

Jurisdiction/Legal Authority		Falls within the legal and jurisdictional authority of the City of Toronto and more specifically, the Noise Bylaw
Reduces Impact on Residents		Responds to the expectation that residents should be able to live without undue noise
Reasonable		Reflects the reality of a growing and vibrant city; such as, densification, infrastructure improvements and the promotion of culture and music
Enforceable		Promotes compliance as a first step and considers the City's resources available to reasonably enforce and prosecute the bylaw
Administratively Feasible		Administrative effort is worth the return (e.g. it may be costly and staff intensive, but it is an effective deterrent)
Objective		Reduces the subjective nature of the bylaw, providing more certainty to residents, businesses and MLS

Outstanding directives

Introduce a decibel limit for motor vehicles at idle

Consider options for decibel limits for power devices

Continue to monitor technology developments related to automated noise enforcement / noise radar

Review noise from City vehicles and fleets, including waste collection services

Consult with Toronto Public Health (TPH) about the health impacts of noise.

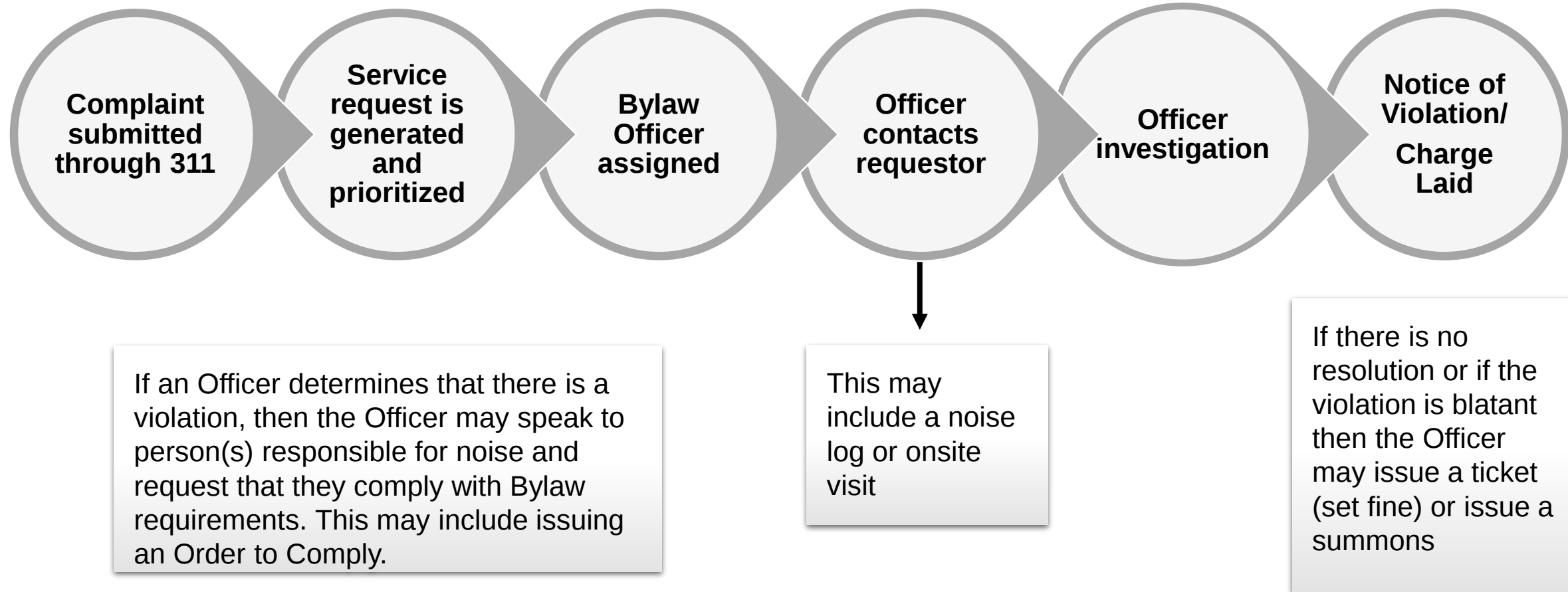
Review the implementation of 2019 Bylaw changes, including:

- new measurement standards
- new hierarchy of limitation provisions
- impacts to the construction industry
- patterns and trends in complaints and resolutions;
- issues related to amplified sound within residential areas; and
- impacts to enforcement.

Review developments on motor vehicle noise, including:

- complaint levels and locations
- results of enforcement blitzes, and
- assessing additional options to support a reduction in motor vehicle noise

Investigating a Noise Complaint



Offences and Charges

Any person who contravenes any provision of the Bylaw, or fails to comply with an exemption permit or order issued under the Bylaw, is guilty of an offence and upon conviction is liable to a fine of no more than \$100,000

- There is a special fine in an amount equal to any economic gain obtained from non-compliance
- Each offence can be designated as a continuing offence with a maximum daily fine of \$10,000 if the offence continues and a total fine which may exceed \$100,000

Charges include:

- **Set Fines:** There are currently 13 set fines ranging from \$500 - \$700 for the Noise Bylaw. MLS applies for set fines through the Ontario Court of Justice
- **Summons:** The defendant must appear before a Justice of the Peace