

Implementation Review of Noise Bylaw - Reference Sheet for Potential Refinements being Considered

The purpose of this Reference Sheet is to outline the potential bylaw refinements being considered by the City together in one document for ease of reference.

Current Bylaw	Potential refinements being considered		
<p>§ 591-2.1. Amplified sound.</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 exceeding 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.; or</p> <p>(2) Where the ambient sound level at a point of reception exceeds the maximum sound level permitted, that has a sound level equal to or exceeding the ambient sound level.</p> <p>B. If 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 exceeding 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.; or</p> <p>(2) Where the ambient sound level at a point of reception exceeds the maximum sound level permitted, that has a sound level equal to or exceeding the ambient sound level.</p>	<p>1- Lower decibel levels</p> <p>Acoustical consultant to support on reasonable decibel levels – the proposed are from provincial MECP guidelines</p> <p><u>Example</u> Outdoor living area:</p> <ul style="list-style-type: none"> - 50 45 dB(A) or 65 60 dB(C) from 11 p.m. to 7 a.m. or 55 50 dB(A) or 70 65 dB(C) from 7 a.m. to 11 p.m. <p>Indoor living area:</p> <ul style="list-style-type: none"> - 45 35 dB(A) or 60 50 dB(C) from 11 p.m. to 7 a.m. or 50 40 dB(A) or 65 55 dB(C) from 7 a.m. to 11 p.m. 	<p>2- Lower decibel levels + consider additional enforcement pathway</p> <p>Keep outdoor and indoor living area measurements from points of reception</p> <p>Permit an additional pathway that specifies additional decibel levels measured from the property line of a point of reception</p> <p><u>Example</u> “That has a sound level measured at the property line of the point of reception exceeding 55 dB(A) or 70 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.”</p>	<p>3- Introduce separate sections for commercial and living area amplified sound</p> <p>Living area – neighbour to neighbour complaints</p> <p>Commercial – music or entertainment from a bar or live music venue</p> <p>Commercial and living area sections could have different decibel limits to reflect context of disturbance</p>
<p>§ 591-2.3. Construction.</p> <p>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:</p> <p>(1) from 7 p.m. to 7 a.m. the next day, except until 9 a.m. on Saturdays; and</p> <p>(2) all day on Sundays and statutory holidays.</p>	<p>1- Consider appropriateness and need for separate construction noise regulations (different time prohibitions) for infill housing and/or smaller scale home renovations</p> <p>Some jurisdictions set different time prohibitions for construction noise related to infill housing construction (i.e., building and renovating in established neighbourhoods) or smaller scale home renovations (e.g., minor interior or exterior alterations to residential buildings)</p>		

Current Bylaw	Potential refinements being considered		
<p>§ 591-2.4. Loading and unloading (Waste Collection). A. 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 p.m. to 7 a.m. the next day, except until 9 a.m. on Saturdays, Sundays and statutory holidays.</p> <p>B. In accordance with section 115.1 of the City of Toronto Act, 2006, Subsection A does not apply to the delivery of goods to the following, except as otherwise authorized by a regulation made under that section: (1) Retail business establishments. (2) Restaurants, including cafes and bars. (3) Hotels and motels. (4) Goods distribution facilities.</p> <p>§ 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... E. Waste collection. Note: no definition is provided in the Bylaw for waste collection</p>	<p>1- Remove waste collection exemption</p> <p>Private waste collection would be required to meet Loading and Unloading time prohibition (11 p.m. to 7 a.m. on weekdays, 11 p.m. to 9 a.m. on Saturdays, Sundays and statutory holidays)</p>		<p>2- Maintain waste collection exemption</p> <p>If keeping exemption, move out of ‘Safety and government work’ and to a separate section under Loading and Unloading, and introduce a definition for waste collection</p>
<p>§ 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.</p> <p>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 p.m. until 7 a.m. the next day, except until 9 a.m. on Saturdays, Sundays and statutory holidays.</p> <p>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.</p>	<p>1- Clarify City’s authority with unnecessary motor vehicle noise provision</p> <p>Bylaw Enforcement Officers do not have the authority to stop moving vehicles. This authority originates under the Highway Traffic Act and is designated to the Toronto Police Service (TPS)</p> <p><u>Example</u> “Unnecessary motor vehicle noise, such as sounding of the horn, revving of engine, squealing of tires, banging, clanking or any like sounds, when vehicle is stationary”</p>	<p>2- Introduce stationary motor vehicle noise decibel limit</p> <p>Note: only stationary limits can be applied as assessment of moving vehicles by Bylaw is not possible.</p> <p>Numerical sound limits and test procedures to be assessed with acoustical consultant, including limits with vehicles at idle or at a specific level of revolutions per minute (RPM) (while vehicle remains stationary)</p>	<p>3- Consider amending motorcycle noise decibel limit</p> <p>Note: only stationary limits can be applied as assessment of moving vehicles by Bylaw is not possible.</p> <p>Additional numerical sound limit and test procedure at a specific level of revolutions per minute (RPM) (while vehicle remains stationary) to be assessed with acoustical consultant. Could replace or be added to the existing 92 dB(A) measurement at idle</p>

Current Bylaw	Potential refinements being considered		
<p>§ 591-2.6. Power devices.</p> <p>A. No person shall emit or cause or permit the emission of sound from a power device from 7 p.m. until 8 a.m. the next day, except until 9 a.m. on Saturdays, Sundays and statutory holidays.</p> <p>B. Subsection A does not apply to a power device used to maintain a golf course or public park or carry out City operations including services contracted by the City.</p>	<p>1 – Consider appropriateness of status quo time constraints</p> <p>Any amendment to the time constraints should ensure flexibility for the reasonable use of power devices, while balancing resident concerns about excessive noise</p>	<p>2 – Amend definition</p> <p>Consider minor amendment to capture additional property tools, including pressure/power washers used for maintenance of private property</p>	<p>3 – Amend definition + Add decibel limits</p> <p>Acoustical consultant to support on assessment of reasonable decibel levels (clearly audible from a point of reception) as well as practical limitations</p>
<p>§ 591-2.9. Unreasonable and persistent noise.</p> <p>A. No person shall make, cause or permit noise, at any time, that is unreasonable noise and persistent noise.</p> <p>B. Subsection A only applies to sound or noise that is not described in § 591-2.1 through § 591-2.8.</p> <p>C. Despite Subsection B, an exemption permit may be required under § 591-3.2., at the discretion of the Executive Director, if the Executive Director determines that there is unreasonable and persistent noise during otherwise permitted hours as described in § 591-2.1 through § 591-2.8.</p> <p>§ 591-2.10. Most restrictive provision applies.</p> <p>Where a source of sound is subject to more than one provision of this article, the most restrictive provision applies.</p>	<p>1- Permit category to be used when there are multiple noise sources</p> <p>Consider additional language so that the section can be used when multiple noise sources are causing a disturbance. In some cases, the presence of multiple sources could reduce the effectiveness of a specific prohibition</p>		
<p>Exemption Permits</p> <ul style="list-style-type: none"> - 85 dB(A) limit measured 20 metres from the source over a 5-minute period - Councillors have opportunity to comment, if Councillor(s) does not respond within 14 days, permit is approved - Appeal process involving Community Councils and notice of hearing sent to all nearby residents. - Authority to revoke a noise exemption permit if non-compliant - Authority for MLS to add conditions to the permit, including a Noise Mitigation Plan or mandatory noise monitoring by MLS staff 	<p>1- Update provisions</p> <ul style="list-style-type: none"> - dBC limit in addition to dBA - Require permits be submitted at least 4 weeks prior to event, with a late fee if submitted after deadline - Clarify Councillor has 14 calendar days to respond and object to permit issuance - Consider setting a limit for how long an exemption permit lasts (3 or 6 months) - Consider waiving permit fees for not-for profit organizations 	<p>2- Update provisions + consider graduated exemption permits</p> <p>Introduce exemption permit categories: (1) Low impact or (2) High impact to support prioritization</p> <p>Low/high impact to be defined based on number of attendees, type of equipment being used, duration of event, and location of event to neighbouring areas</p> <p>High Impact Events must also provide:</p> <ul style="list-style-type: none"> a) Rationale for granting exemption; and b) A Noise Mitigation Plan addressing measures to mitigate or manage noise from planned activities; or a statement of measures that will be taken to minimize the noise or sound level. c) A qualified statement for any sounds that are not technically or operationally feasible to control 	

Current Bylaw	Potential refinements being considered	
<p>Other</p>	<p>1- Add tonal penalties Tonal elements are noise disturbances that include a hiss/hum/music; some jurisdictions add a + 5dB penalty for any measurement with a tonal component</p> <p>“Where warranted by the presence of pure tones or other unusual characteristics in the sound, the sound shall be subject to a + 5dBA adjustment/penalty or the applicable criterion shall be reduced by 5 dBA”</p>	<p>2- Amend related 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</p> <p>Exemption permit fee</p> <ul style="list-style-type: none"> - Fee is required for each application - Current amount is \$100 (not adjusted annually) - Fees do not differ depending on impact of event and updated analysis is needed to ensure full cost recovery per the City’s User Fee Policy <p>Noise monitoring fee</p> <ul style="list-style-type: none"> - If monitoring is required as a condition of the exemption permit, staff must be made available - Current amount is \$60 per staff per hour (not adjusted annually) - Per hour calculation is not reflective of current salaries or staff overtime and updated analysis is needed to ensure full cost recovery per the City’s User Fee Policy