

Implementation Review of the Noise Bylaw: General Noise Meeting

September 12, 2023
Metro Hall



Overview and Purpose of Consultation

- City Council approved amendments to the Noise Bylaw 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
- **Purpose of consultation** - gather information regarding experiences with the Bylaw and present and seek feedback on draft potential refinements
- **Timeline** - Staff intend to report to the Economic and Community Development Committee in **November 2023**
- **Note** - The City does not intend to pursue wide-ranging changes to the categories or to completely reframe definitions in the Bylaw at this time

What types of noise can be regulated under the Noise Bylaw?



Municipal response available

- Animal Noise
- Amplified Sound (such as music)
- Auditory Signalling Devices (such as bells, horns and gongs)
- Construction Noise
- Domestic Tools & Power Equipment
- Residential Air Conditioners
- Stationary Sources (such as generators and fans)
- Stationary Motor Vehicle Noise

Outside of City's jurisdiction

- Moving Motor Vehicle Noise
- Airport/Aircraft Noise
- Noise from Provincial or Federal Infrastructure Projects
- Railway Noise
- Wind Turbines

What Noise Guidelines & Regulations Exist?

LOCAL



INTERNATIONAL

Municipal

Toronto
Municipal Code,
Chapter 591,
Noise (the Noise
Bylaw)

Provincial

- Highway Traffic Act – Motor Vehicle Noise
- Occupational Health & Safety Act
- Environmental Protection Act
- Environmental Compliance Approvals and Environmental Activity & Sector Registry
- Noise Pollution Control Guidelines:
 - NPC 300 – Stationary Sources
 - NPC 216 – Residential Air Conditioners

Federal







- Health Canada – Guidance for Evaluating Health Impacts in Environmental Noise

World Health Organization

- Environmental Noise Guidelines for the European Region

Criteria for Considering Bylaw Amendments

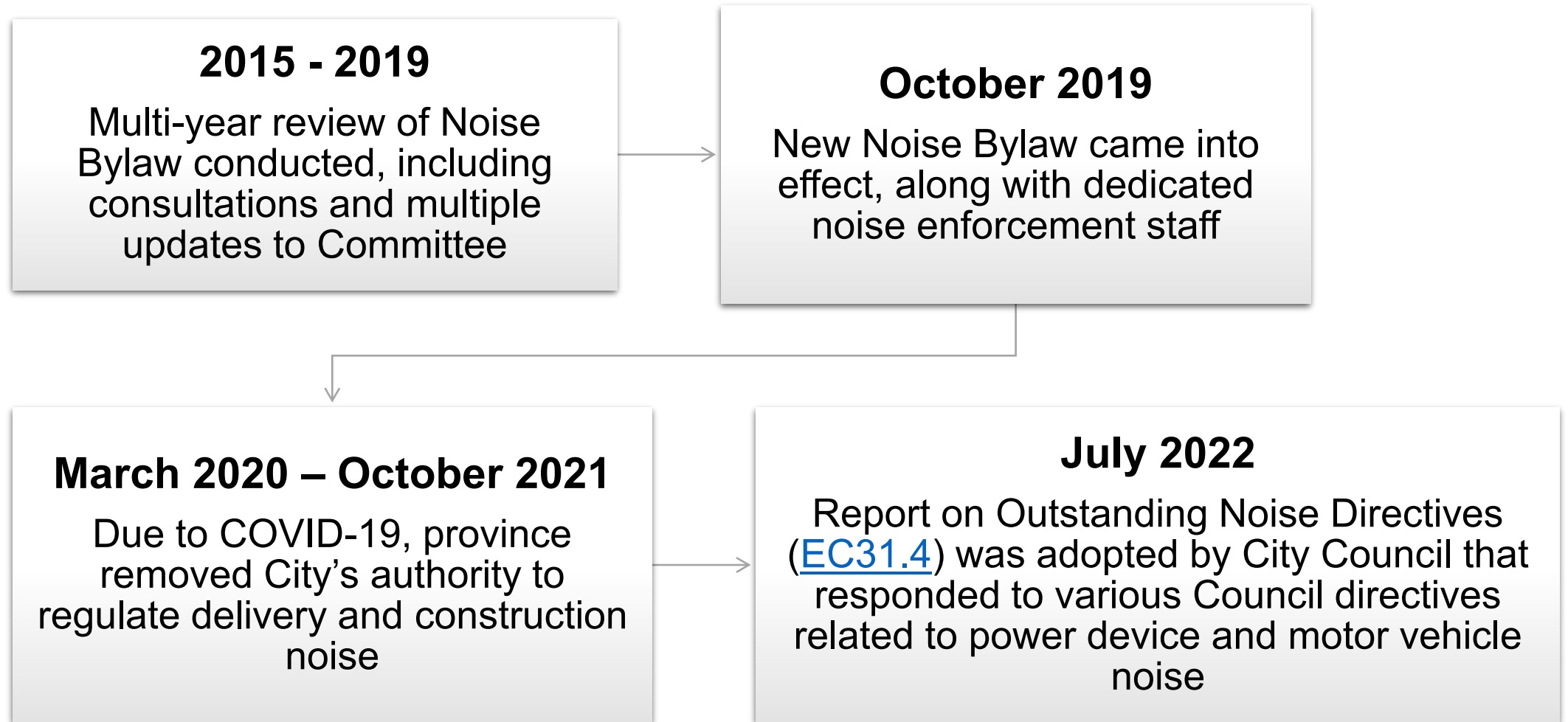
Criteria

- | | | |
|-------------------------------------|---|--|
| 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 |

Toronto's Noise Bylaw

- [Toronto Municipal Code, Chapter 591, Noise](#) ("Noise Bylaw") provides standards for noise and applies to all properties in Toronto
- In a City as large and vibrant as Toronto, certain levels of noise are reasonable and reflect life in a densely populated city
 - The Bylaw aims to strike a balance between setting reasonable standards for certain types of noise and addressing the needs of residents and visitors
- The Municipal Licensing and Standards (MLS) Division responds to persistent and recurring noise using a priority response model
 - MLS is not resourced on an emergency basis (that is, enforcement officers are not immediately dispatched to a noise complaint)

Noise Bylaw Developments



2019 Noise Bylaw Review Research and Engagement

Review included:

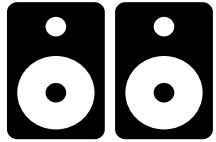
- Noise Working Group meetings
- Public opinion research
- Public consultation meetings
- Technical review of Bylaw by an acoustical engineer



Picture - 2019 Public Consultation Meeting on Amplified Sound

2019 Noise Bylaw Review

Key Amendments (1)



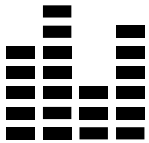
Introduced daytime and nighttime numerical limits (decibels) to measure amplified sound from a point of reception



Added a decibel limit and test procedure for motorcycles at idle (92 db(A))



Time prohibition on all construction noise (7 p.m. – 7 a.m. weekdays, 7 p.m. to 9 a.m. on Saturdays)



Continuous concrete pouring and large crane work exemption replaced by a streamlined exemption permit process

2019 Noise Bylaw Review

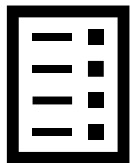
Key Amendments (2)



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.)



Replaced the general prohibition with a provision for "unreasonable and persistent noise"



Introduced a more streamlined 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 across all specific prohibitions

Preliminary Evaluation

What Has Happened Since 2019

Impacts of pandemic:

- **Resources** - Enforcement staff were redirected to enforce public health orders, affecting MLS' service levels, and ability to enforce
- **Authority** - Province limited the City's authority to enforce delivery and construction noise, affecting data trends and the City's ability to respond to certain noise concerns

Implementation concerns:

- Increase in construction projects and use of outdoor patios as well as different sensitivities to noise with more people working from home
- Research shows that conflict related to sound and noise remain top of mind for residents
- High volume of noise complaints has strained enforcement resources, with 811 case files per officer (2022 average)

2022 staff report on outstanding directives:

- Several actions taken related to motor vehicle and power device noise, including further restricting the time period for noise from power devices

2023 Public Opinion Research

Objective:

- To understand the attitudes and opinions of Toronto residents related to noise and the Noise Bylaw, and whether opinions have changed since 2019

Methodology:

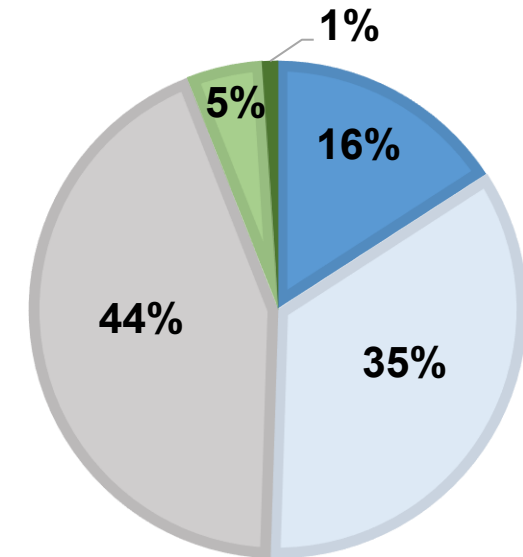
- Total of 1,003 Toronto residents completed the survey.
- Sample size is representative of the City of Toronto's total population and demographics, such as age, gender and region based on census data
- If the data were collected through a random sample, the margin of error would be $\pm 3.0\%$, 19 times out of 20, for a City of Toronto residents' sample of 1,000

2023 Public Opinion Research

Key Findings

- 53% of respondents identify reducing noise pollution as an area of concern in the City of Toronto compared to other issues like improving housing and rental affordability (83%) or reducing traffic and congestion (76%)
- Close to half (51%) of respondents believe that noise levels in the City of Toronto have increased in the past year while 44% believe that they have remained about the same
- Majority agree with using sound level limits to enforce the Noise Bylaw, with 70% agreeing that they should be used to measure how loud an event or object is, and 68% agreeing they should be measured from the location of the complainant

OVER THE PAST YEAR, I FEEL THAT NOISE LEVELS IN THE CITY HAVE...



- Increased substantially
- Increased somewhat
- Remained about the same
- Decreased somewhat
- Decreased substantially

Chart of Noise Complaints January 2020 - August 2023

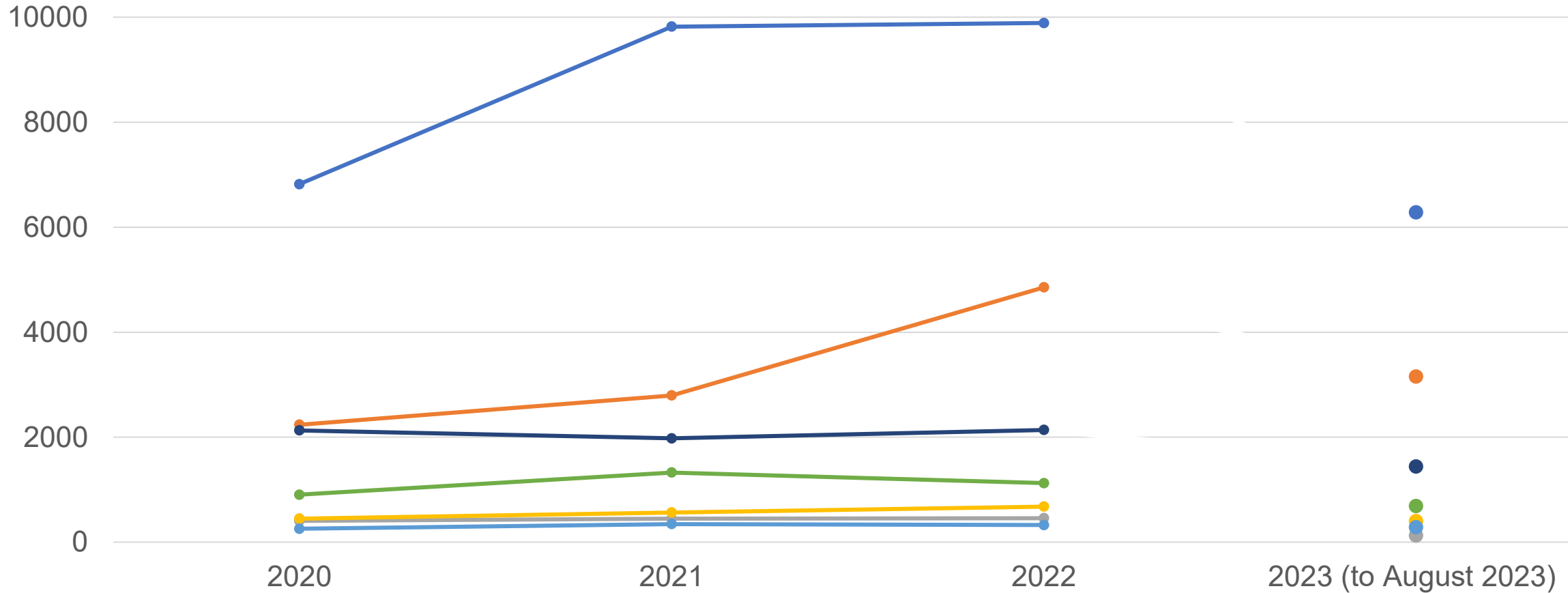


Table of Noise Complaints

Noise Service Type	2020	2021	2022	2023 (as of Aug 31)	Total	% Total
Amplified Sound	6,821	9,822	9,890	6,283	32,816	73%
Construction Noise	2,238	2,795	4,855	3,156	13,044	29%
Loading and Unloading Noise	404	447	457	125	1,433	3%
Motor Vehicle Noise	449	565	677	401	2,092	5%
Power Device Noise	255	345	326	286	1,212	3%
Stationary Source Noise	905	1,372	1,125	689	4,091	9%
Unreasonable and Persistent Noise	2,129	1,977	2,137	1,441	7,684	17%
Grand Total	13,201	17,323	19,467	12,381	45,049	100%

Potential Refinements

How were today's refinements created?

- ✓ Public opinion survey conducted in July 2023
- ✓ Feedback from residents, stakeholders, and enforcement staff since 2019
- ✓ Draft technical assessments from acoustic engineering firm
- ✓ Analysis of complaints and enforcement data
- ✓ Jurisdictional scan of noise regulations from comparable municipalities

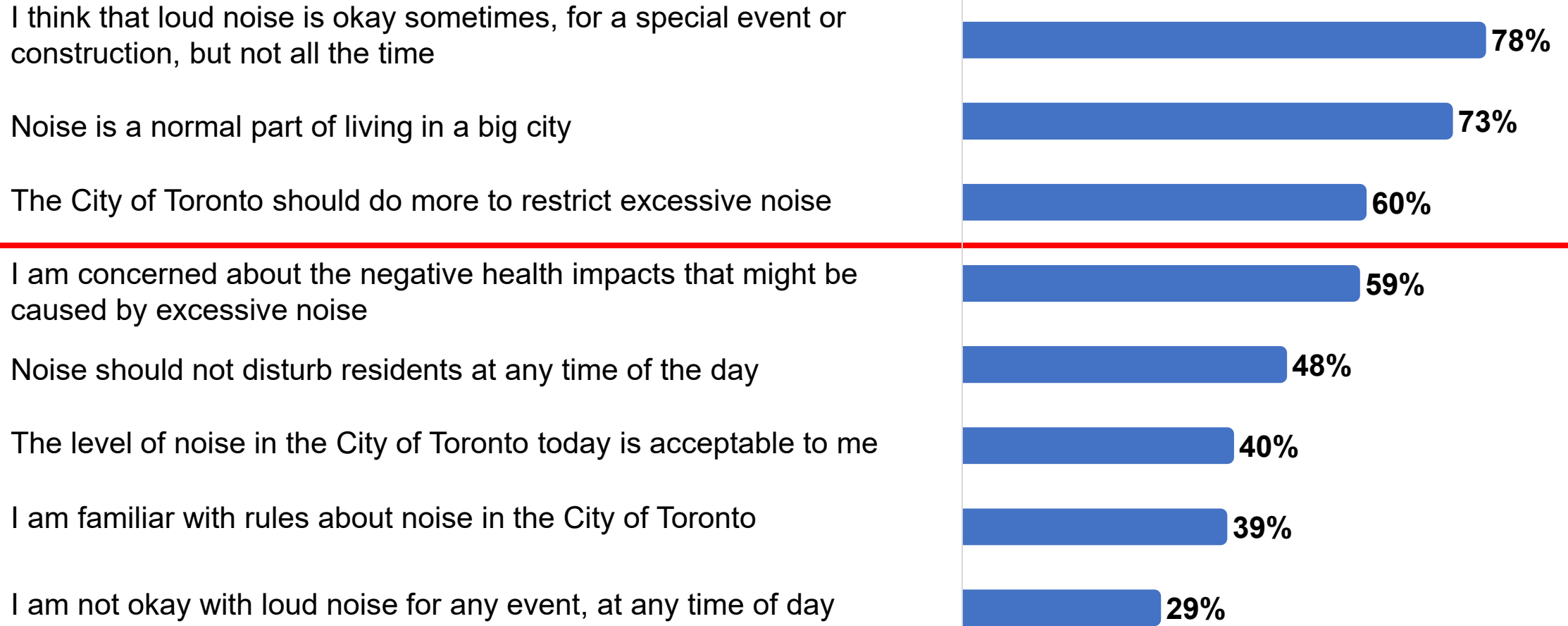
Note: Potential refinements are in draft form, may not be fully detailed, and are subject to approval by City Council. For discussion purposes only.

Public Opinion Research

General Attitudes Towards Noise

Please indicate to what extent you agree or disagree with each of the following statements (n = 1003)

% of respondents who strongly or somewhat agree with the following statements:



Unreasonable and Persistent Noise

SUMMARY

- Category introduced in 2019, replacing a general prohibition on noise “likely to disturb”
- Prohibits noise at any time if it is unreasonable, persistent and not captured by a specific prohibition (for example, amplified sound or construction)
 - **Unreasonable** = noise that would disturb the peace, rest, enjoyment, comfort or convenience of a reasonable person in the circumstances
 - **Persistent** = noise continuously heard for a period of ten minutes or more or intermittently over a period of one hour or more

Considerations

- An exemption permit can be requested if any other noise category is also “unreasonable and persistent” during permitted hours
- Given this provision was added in 2019, City staff are looking for opportunities to strengthen and clarify its application

Unreasonable and Persistent Noise (Continued)

CURRENT BYLAW	POTENTIAL REFINEMENT
§ 591-2.9. Unreasonable and persistent noise	Permit category to be used when there are multiple noise sources
<ul style="list-style-type: none">- No person shall make, cause or permit noise, at any time, that is unreasonable and persistent- Only applies to sound or noise that is not described in a specific prohibition	<ul style="list-style-type: none">- Consider additional language 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

Waste Collection Noise

SUMMARY

- As a result of a motion at City Council in 2022 ([EC31.4](#)), all waste collection was made exempt from the Bylaw
- Before this change, waste collection had been subject to the Loading and Unloading section, which prohibited noise between 11PM and 7AM on weekdays, or until 9AM on weekends and statutory holidays
 - During this time, the City took steps to obtain compliance from both City operations and private waste collectors

Considerations

- Consultation was not conducted before the exemption was passed in 2022
- This review intends to assess public and stakeholder perspectives about reintroducing requirements for waste collection noise
- In public opinion research, two-thirds of respondents (67%) feel that is acceptable to continue to allow noise from waste collection at all hours

Waste Collection Noise (Continued)

CURRENT BYLAW	POTENTIAL REFINEMENT
<p>Waste collection noise is exempt from the Bylaw</p>	<p>Remove waste collection exemption</p>
<ul style="list-style-type: none">- If maintaining, a definition for waste collection should be introduced to be clear what is in scope	<ul style="list-style-type: none">- Private waste collection would be required to meet existing 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)- City waste collection or waste collection contracted by the City would be exempt

Power Device Noise

SUMMARY

- In 2019, a separate section was created for power devices:
 - Time constraints were aligned with the those for construction (7 p.m. to 7 a.m. on weekdays and until 9 am on Saturdays, Sundays, and statutory holidays)
 - Definition of power device was amended to be more reflective of lawn care equipment
- After further amendment in 2022, power device noise is currently permitted 7 p.m. until 8 a.m. the next day on weekdays
- In 2022 and 2023, the City has conducted public education on the appropriate use of lawn equipment

Considerations

- In July 2023, City Council expressed support for a ban on the use of two-stroke small engine equipment as a precaution against adverse impacts to human health and climate
 - Council directed staff to conduct consultations and identify resources required to develop and implement a ban
 - This work will continue on into 2024, led by the City's Environment and Climate Division, with support from Municipal Licensing and Standards

Power Device Noise (Continued)

CURRENT BYLAW	POTENTIAL REFINEMENT 1	POTENTIAL REFINEMENT 2	POTENTIAL REFINEMENT 3
<p>§ 591-2.6. Power devices</p>	<p>Consider appropriateness of status quo time constraints</p>	<p>Amend definition</p>	<p>Amend definition + Add decibel limits</p>
<ul style="list-style-type: none"> - Sound from a power device prohibited from 7 p.m. until 8 a.m. the next day, except until 9 a.m. on Saturdays, Sundays 	<ul style="list-style-type: none"> - Any amendment to the time constraints should ensure flexibility for the reasonable use of power devices, while balancing resident concerns about excessive noise 	<ul style="list-style-type: none"> - Consider minor amendment to capture additional property tools, including pressure/power washers used for maintenance of private property 	<ul style="list-style-type: none"> - Acoustical consultant to support on assessment of reasonable decibel levels (clearly audible from a point of reception) as well as practical limitations

Exemption Permits

SUMMARY / CURRENT BYLAW

- Noise exemption permits can be requested for activities that may be in contravention of the Bylaw
- In 2019, the permit process was streamlined to, amongst other things:
 - Allow applicants to apply for 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 (except those for concrete or crane work) are subject to Councillor approval and are limited to 85 dB(A) 20 metres from the source, amongst other conditions

Considerations

- In 2022, MLS issued 865 exemption permits, a 162% increase compared to the year prior (330 issued in 2021)
 - In 2023 MLS has already issued 980 permits (as of Aug 31)
- Considering this notable increase, issuance of exemption permits have absorbed significant staff time as each permit requires review and technical consideration
- Denial of a permit may be appealed through the relevant Community Council

Exemption Permits (Continued)

POTENTIAL REFINEMENT 1	POTENTIAL REFINEMENT 2
Update status quo provisions	Update status quo provisions + consider graduated exemption permits
<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	<ul style="list-style-type: none">- Introduce exemption permit categories: (1) Low impact or (2) High impact to support prioritization- 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	<ul style="list-style-type: none"> - 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 	<ul style="list-style-type: none"> - 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

What's Next?

September 2023

Public Consultation
Meetings

October 15, 2023

Last day to submit written
comments to

MLSfeedback@toronto.ca

November 2023

Report considered by the
Economic and Community
Development Committee

Appendix

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.

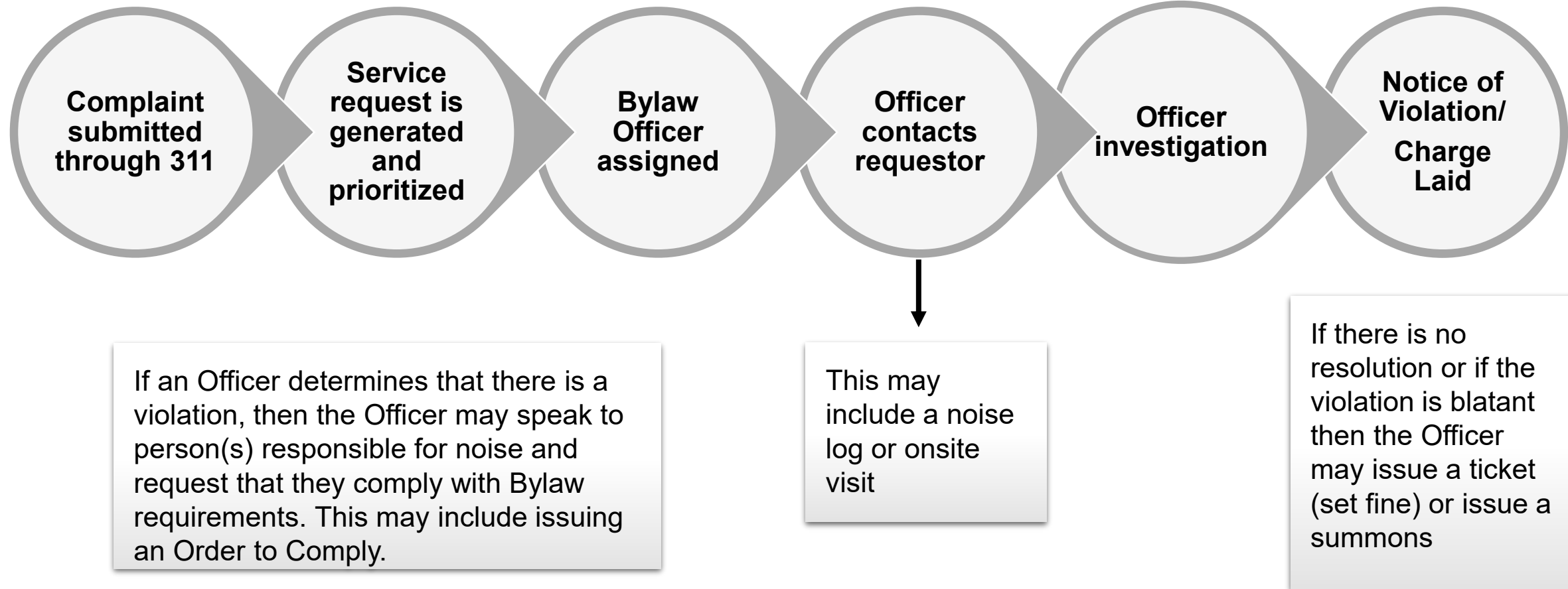
Review the implementation of 2019 Bylaw changes, including:

- 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