

Implementation Review of the Noise Bylaw: Amplified Sound

September 13, 2023
Virtual Meeting



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

Toronto's Noise Bylaw

- [Toronto Municipal Code, Chapter 591, Noise](#) ("Noise Bylaw") provides standards for noise and applies to all properties in Toronto
- Certain levels of noise are reasonable and reflect life in a densely populated city and 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

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

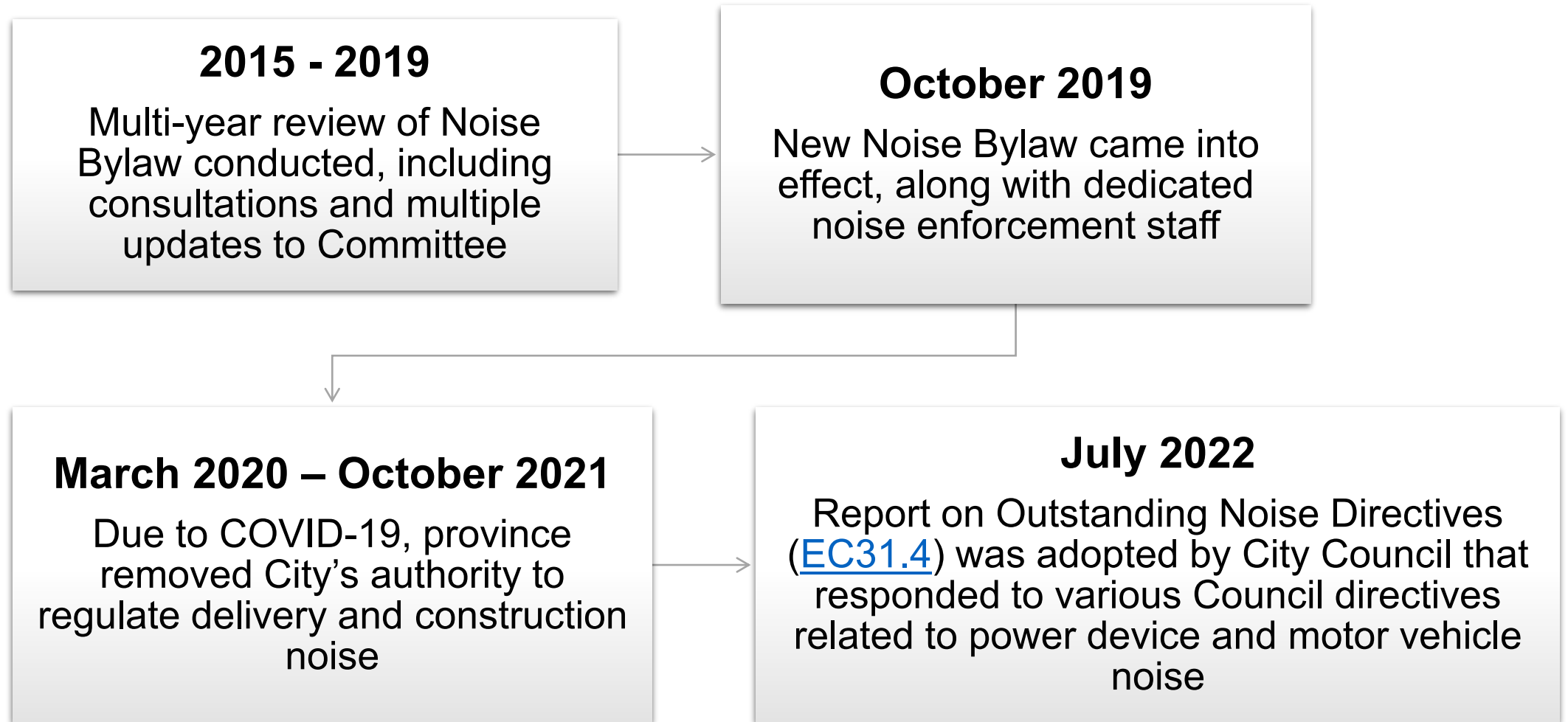
Federal

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

World Health Organization







- Environmental Noise Guidelines for the European Region

Noise Bylaw Developments



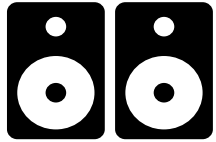
Criteria for Considering Bylaw Amendments

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 |

2019 Noise Bylaw Review

Key Amendments (1)



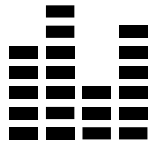
Introduced daytime and nighttime numerical limits (decibels) to measure amplified sound from a point of reception



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

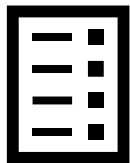
Key Amendments (2)



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

Implementation Update

What Has Happened Since 2019

Impacts of pandemic:

- Enforcement staff were redirected to enforce public health orders
- Province limited the City's authority, affecting data trends and the City's ability to respond to certain noise concerns

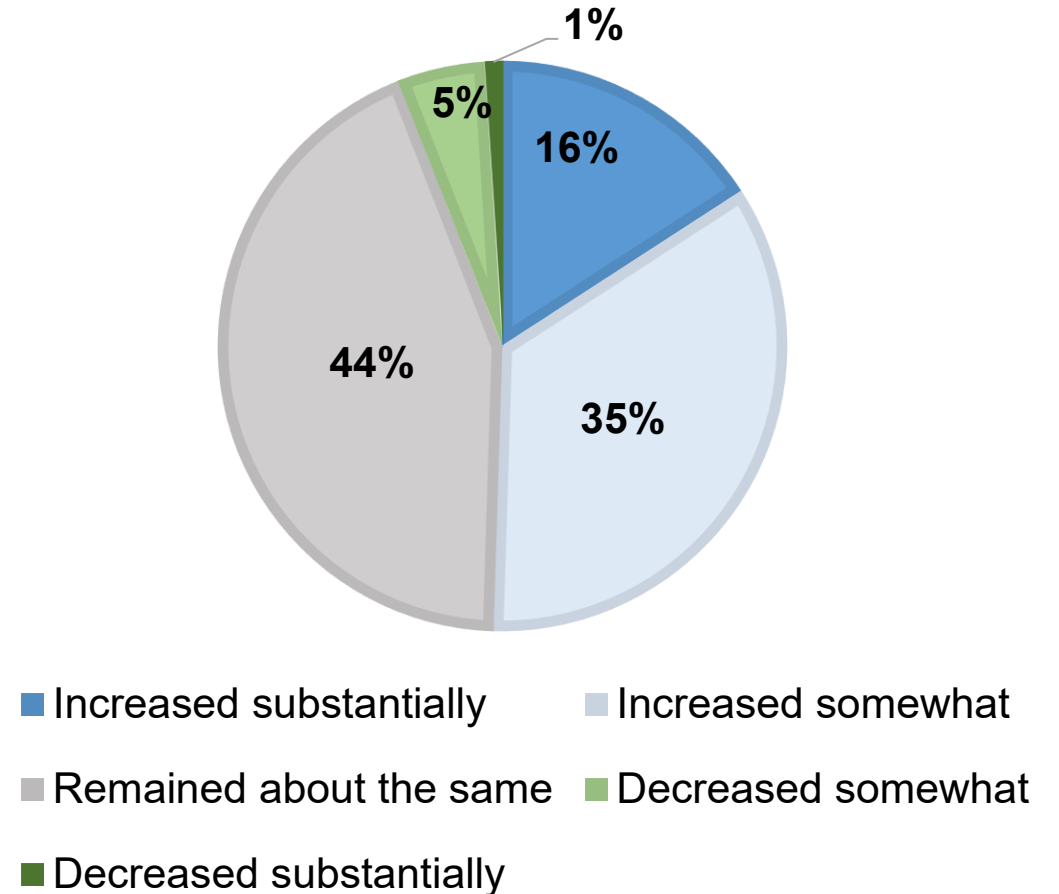
Implementation concerns:

- Increase in construction projects and use of outdoor patios
- 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)

2023 Public Opinion Research

- Conducted by a third-party firm, with a sample size of approx. 1000
- Full analysis will be included in the staff report
- 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...

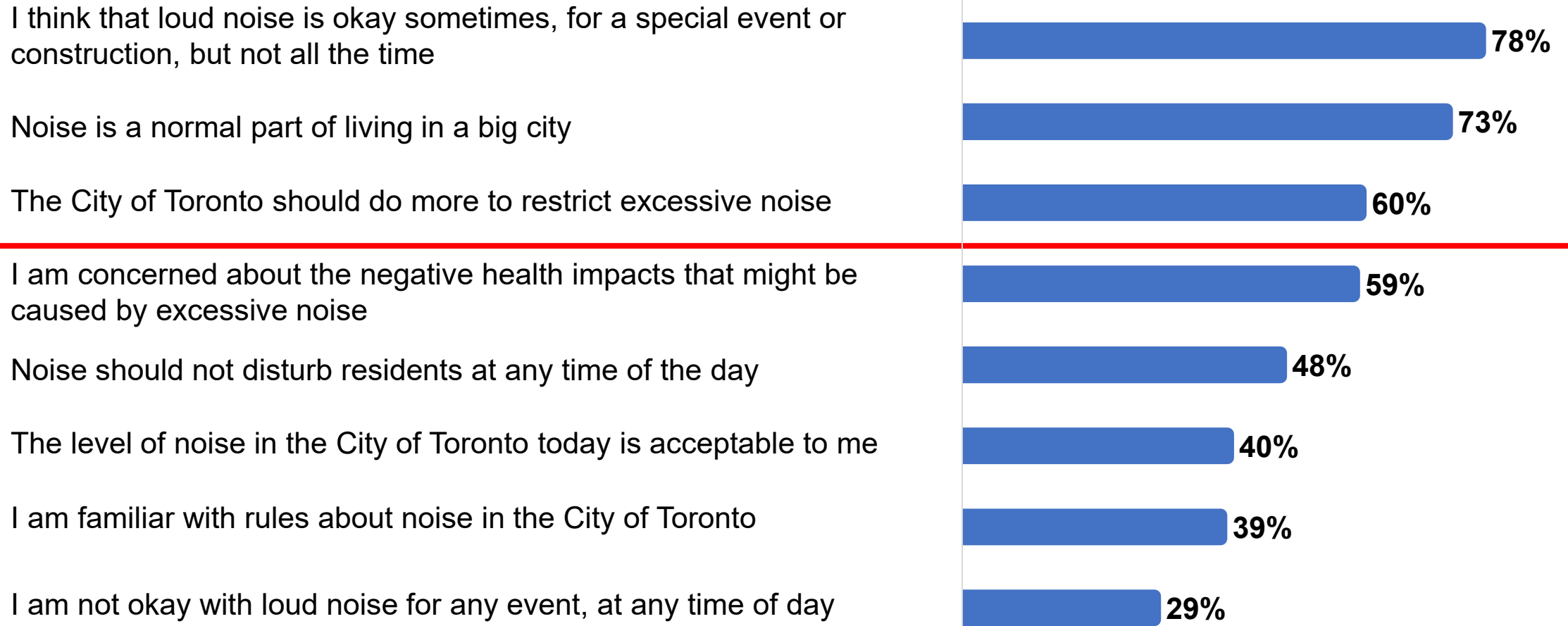


Public Opinion Research

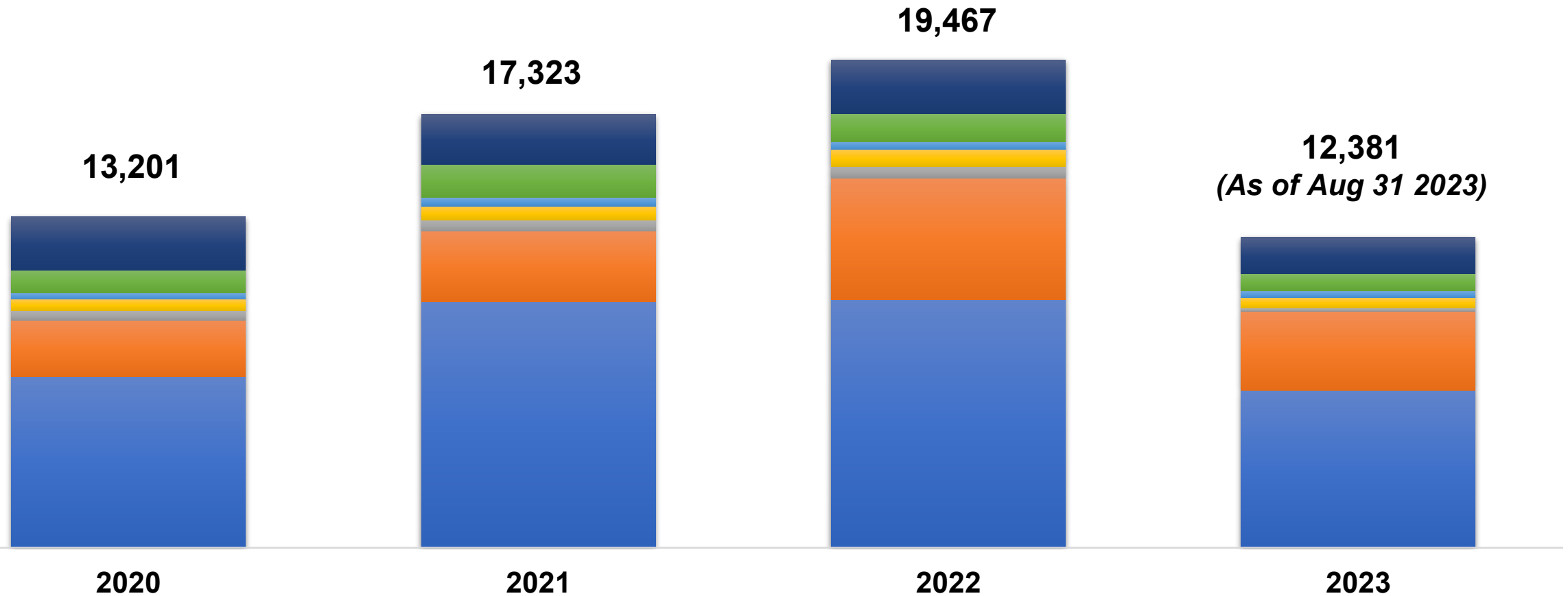
General Attitudes Towards Noise

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:



311 Noise Complaints



- Amplified Sound
- Loading and Unloading Noise
- Power Device Noise
- Unreasonable and Persistent Noise
- Construction Noise
- Motor Vehicle Noise
- Stationary Source Noise

311 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?

- ✓ July 2023 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.

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.

Considerations

- Amplified sound is one of the greatest sources of noise disruption according to public feedback and complaint volumes
- Decibel limits provide certainty for businesses and consistent bylaw interpretation
- 2019 limits are considered by some as too lenient and at a level where sound can still be unreasonable and disturbing

Amplified Sound (Continued)

CURRENT BYLAW	POTENTIAL REFINEMENT 1	POTENTIAL REFINEMENT 2	POTENTIAL REFINEMENT 3
<p>§ 591-2.1. Amplified sound</p> <ul style="list-style-type: none"> - Prohibited at a point of reception with specific decibel limits 	<p>Lower decibel limits</p> <ul style="list-style-type: none"> - Lower outdoor limits by 5 decibels and indoor limits by 10 decibels 	<p>Lower decibel limits + consider additional enforcement pathway</p> <ul style="list-style-type: none"> - Permit an additional pathway with different decibel levels measured from the <u>property line</u> of a point of reception 	<p>Introduce separate sections and decibel limits for ‘commercial’ vs. ‘living area’ amplified sound</p> <ul style="list-style-type: none"> - Commercial: music from a bar - Living area: neighbour to neighbour complaints - Could have different decibel limits to reflect context of disturbance

Exemption Permits

Note: In 2022, MLS issued 865 exemption permits, and in 2023 MLS has already issued 980 permits (as of Aug 31)

CURRENT BYLAW	POTENTIAL REFINEMENT 1	POTENTIAL REFINEMENT 2
<p>§ 591-3.2. Exemption permits.</p> <ul style="list-style-type: none"> - Permits are subject to Councillor approval - Limited to 85 dBA 20 metres from the source - MLS has the authority to request a noise mitigation plan and/or sound level monitoring by City staff and can revoke a permit if operator is non-compliant 	<p>Update provisions</p> <ul style="list-style-type: none"> - dBC limit in addition to dBA - 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 	<p>Update provisions + consider graduated exemption permits</p> <ul style="list-style-type: none"> - 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	<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.

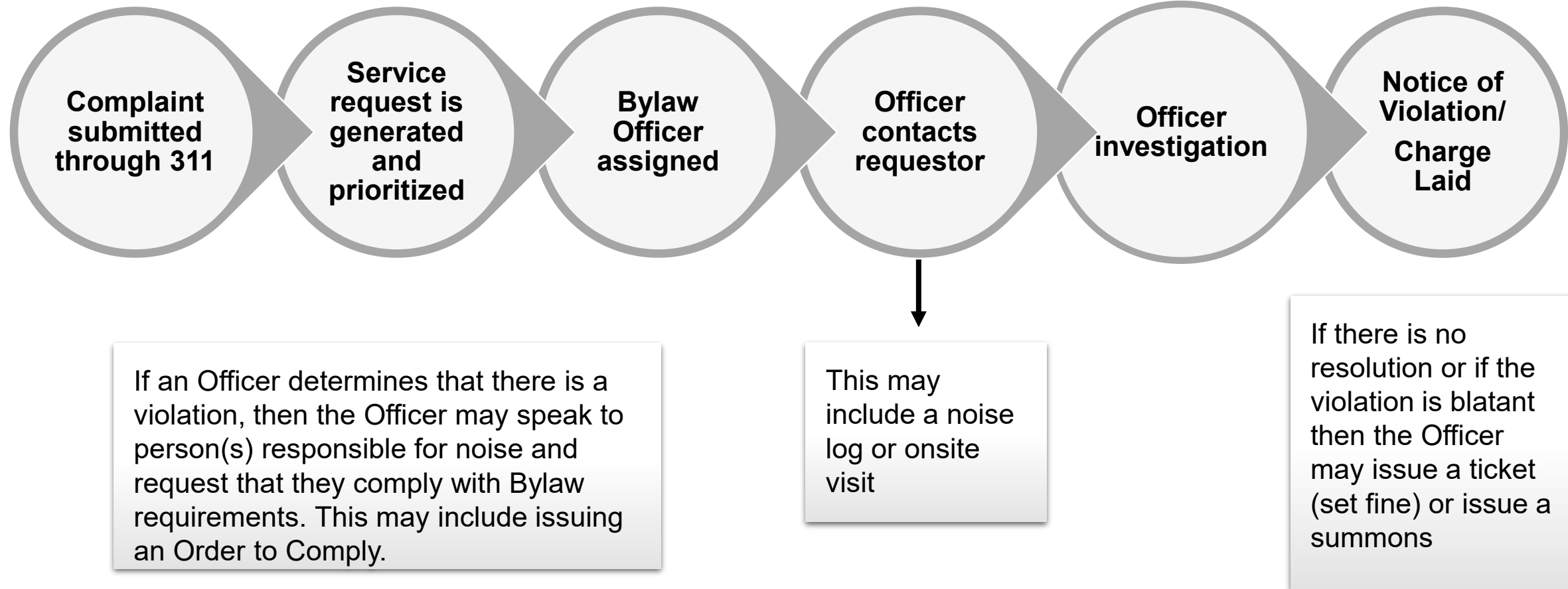
Review the implementation of 2019 Bylaw changes, including:

- 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