

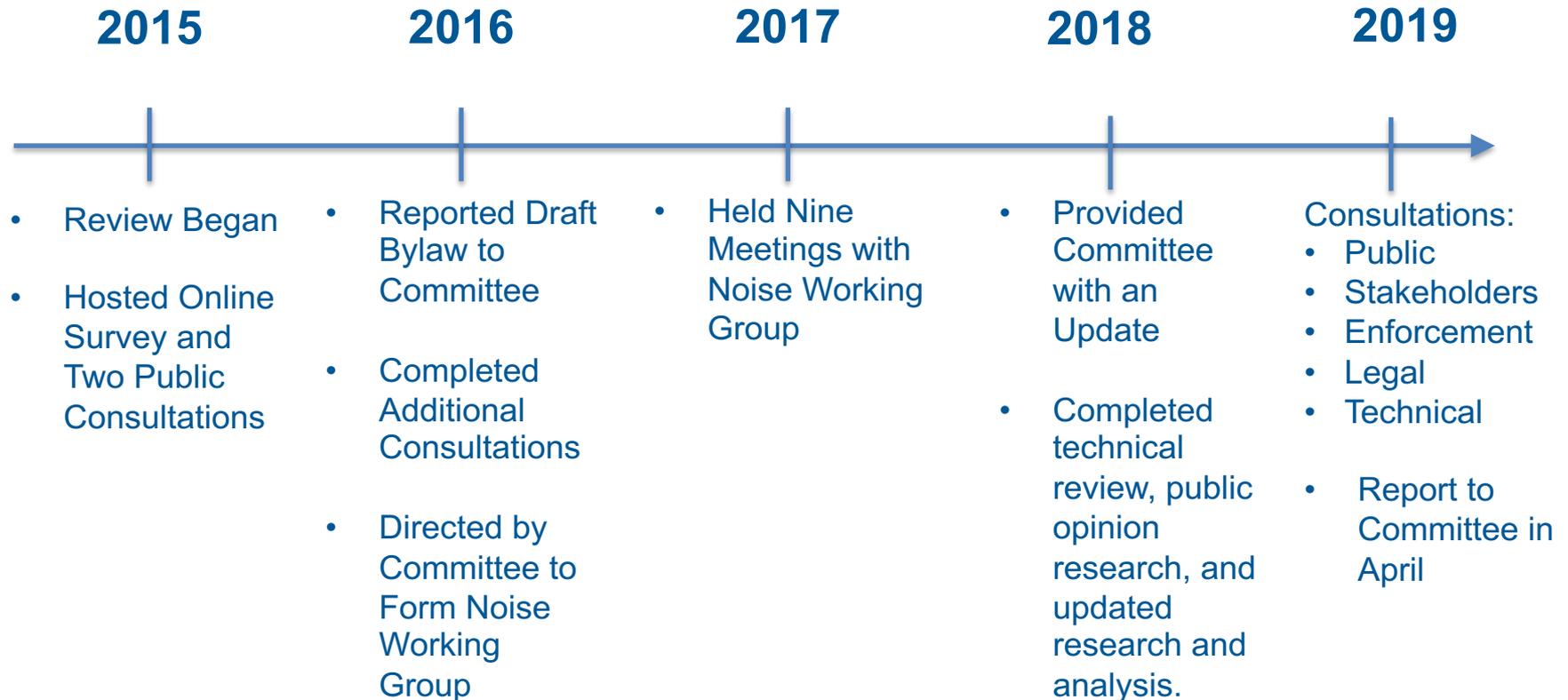
# Noise Bylaw Review: Construction Noise

Tuesday February 5<sup>th</sup>, 2019 6 p.m. to 8 p.m.  
Centre for Social Innovation Regent Park Lounge (585  
Dundas St. East)

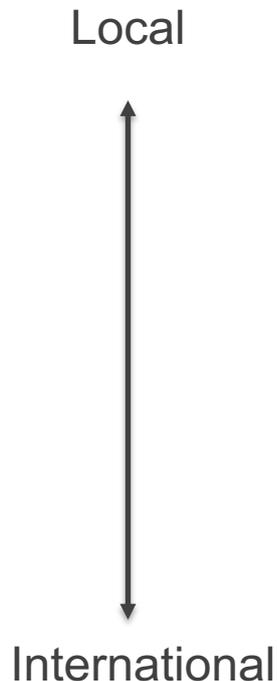


# Background

# What Has Been Done, and What's Next?



# What Noise Guidelines & Regulations Exist?



- **Noise Bylaw** – Toronto Municipal Code, Chapter 591
- **Provincial**
  - Highway Traffic Act – Motor Vehicle Noise
  - Occupational Health & Safety Act
  - Environmental Protection Act
    - Environmental Compliance Approvals
    - 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

## Toronto Police Service

Respond to noise complaints from motor vehicles, and parties or large events (when there is a risk to public safety).

### **Transformational Task Force:**

- Formed to modernize the structure and service delivery of Toronto Police Services. Recommendations summarized in the report, The Way Forward.
- One recommendation included re-directing non-emergency service calls to the appropriate City division, such as animal and noise complaints.
- As of May 2018, all noise complaints that do not demonstrate a clear risk to public safety have been redirected to Municipal Licensing and Standards.

## Toronto Public Health

Toronto Public Health will be developing a Noise Action Plan in 2019, aimed at reducing exposure to ambient environmental noise over time.

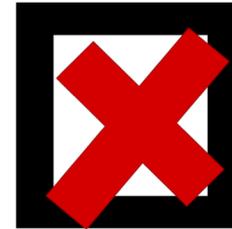
- There is growing awareness about the health effects associated with ambient environmental noise, including hearing loss, sleep disturbances, and annoyance.
- Environmental noise can include noise from road traffic, railway lines, air traffic, and other sources.
- The plan is being developed in consultation with City partners, including Municipal Licensing & Standards, and is intended to complement the revised Noise By-Law.
- The plan will be presented to the City of Toronto's Board of Health in 2019, and pending approval, the plan would be made available to the public.

# What types of noise does Municipal Licensing & Standards regulate under the Noise Bylaw?



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

*...These are all episodic types of noise.*



- Airport/Aircraft Noise
- Noise from Provincial or Federal Infrastructure Projects
- Railway Noise
- Wind Turbine
- Stationary sources under provincial regulation
- Noise in the workplace (occupational health and safety)

*...These are the Provincial and Federal Governments.*

# 2018 Public Opinion Research

## Objective:

To understand the attitudes and opinions of Toronto residents related to noise.

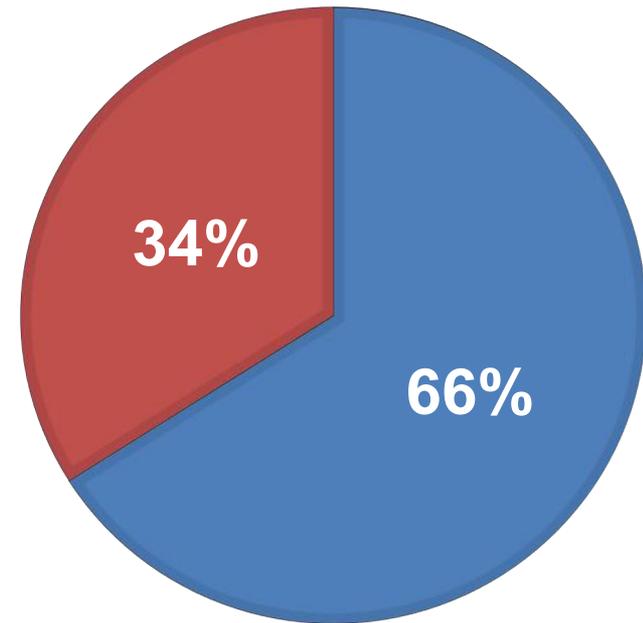
## Methodology:

- Sample size of 1,001. It is also representative of the general population by age, gender, region within the City, and other demographic variables.
- Interview quotas were used to ensure the results are representative of the City of Toronto population according to the 2016 Canadian Census, ensuring it is projectable to the total population of adult Toronto residents.
- The poll is accurate within +/- 3.5 percentage points.

Note: This research is publicly available under “About Review” on [www.toronto.ca/NoiseBylawReview](http://www.toronto.ca/NoiseBylawReview)

# Public Opinion Research: Key Findings

- **Two-thirds (66%)** of residents say that they do not have any concerns about noise in the city of Toronto.
- **One-third (34%)** of residents do have concerns, with one in five mentioning noise such as road traffic (11%) or construction noise (8%).
- **Almost two-thirds (64%)** of residents believe noise levels in the City of Toronto are reasonable and reflect life in a big city.
- **Almost half (48%)** of residents cannot pinpoint a specific type of noise to be restricted or minimized in their neighbourhood
- Residents are generally confused about rules and bylaws for restricting noise in the City of Toronto.



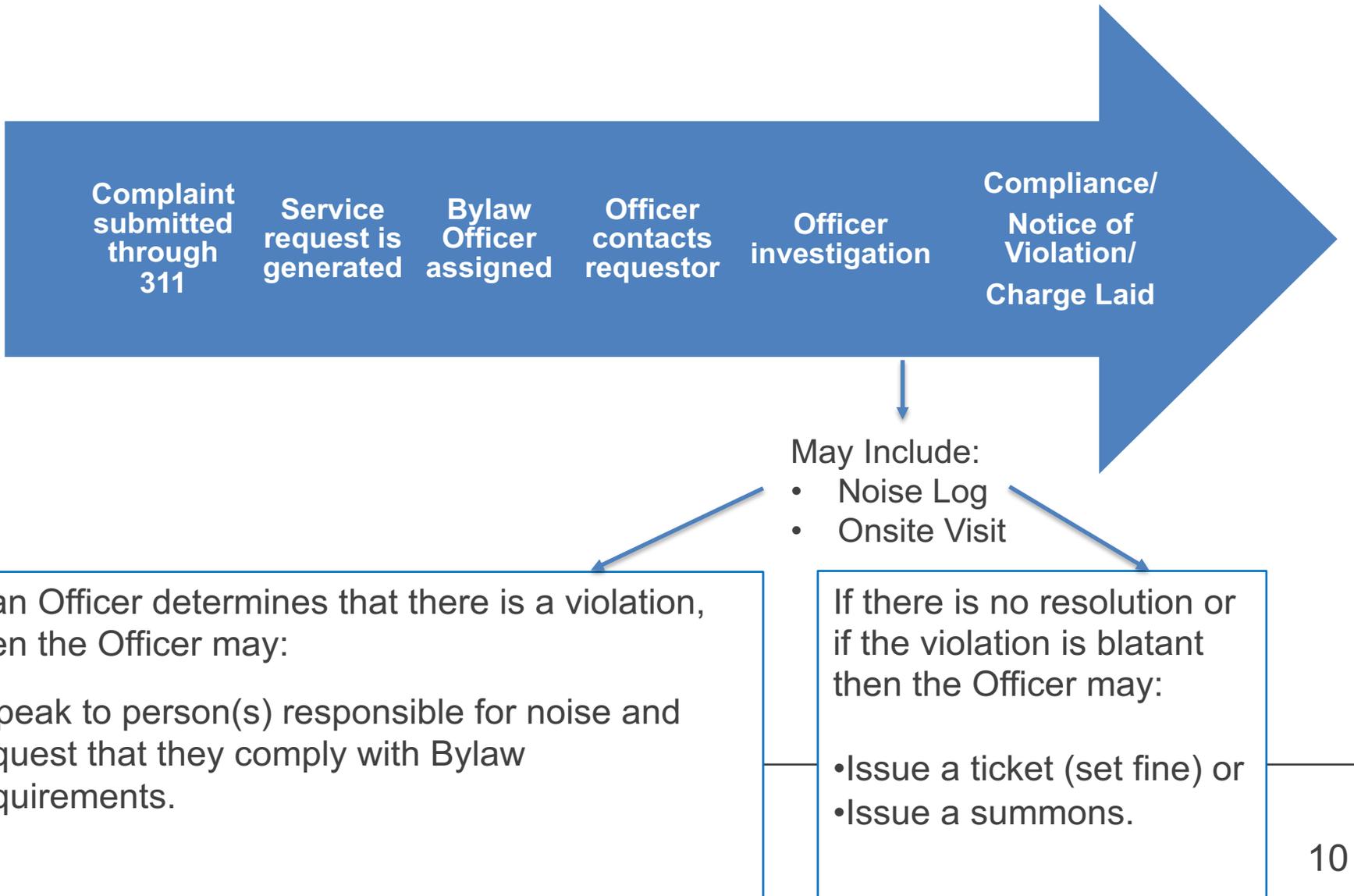
# What are the Offences in the Noise Bylaw?

*§ 591-11. Offences: Any person who contravenes any provision of this article is guilty of an offence.*

- A person convicted of an offence under this section is liable to a fine of not more than \$5,000.
- Charges Filed include:
  - **Set Fines:** There are currently 9 set fines ranging from \$155 -\$305 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.

We are currently reviewing these and hope to bring them in line with recent bylaw updates, such as Chapter 354, Apartment Buildings

# Investigating a Noise Complaint



# Staffing & Service Standards

**285** Bylaw Officers enforcing **30** City Bylaws, **1** of which is the Noise Bylaw.

Service Standards for Noise:

- 5 days (70% of the time) - Noise from stationary noise sources (e.g. air conditioners), construction noise, and noise complaints in private residences.
- 48 hours (80% of the time) - Noise from licensed establishments.
- 2 - 48 hours - Noise from animals (e.g. barking dogs), depending on the risk to animal welfare.

# Noise – Complaint Data

Fairly **consistent** over the years, with the exception of general noise complaints in 2018. This increase may be attributed to the redirection of noise complaints from Toronto Police Services to Municipal Licensing and Standards in 2018.\*

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Year	General Noise Complaints from Private Property	Amplified Noise from Licensed Establishments	Animal Noise	Total Noise Related Service Requests
2015	8,363	667	2,267	11,297
2016	7,402	640	2,004	10,046
2017	8,399	638	2,028	11,065
2018	10,154*	761	2,059	12,974

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# Proposals

# How Were Today's Proposals Created?

In April 2018, MLS recommended additional work following the culmination of the Noise Working Group. The proposals were drafted following the work below:

- Public Opinion Research by Ipsos Reid;
- Technical Reviews/Advice from Valcoustics and S.S Wilson;
- Enhanced jurisdictional scan (e.g. Ottawa, New York, Austin, etc.);
- Feedback from past public consultations, stakeholder feedback and the Noise Working Group; and
- Additional Analysis of noise complaint data.

# Policy Context

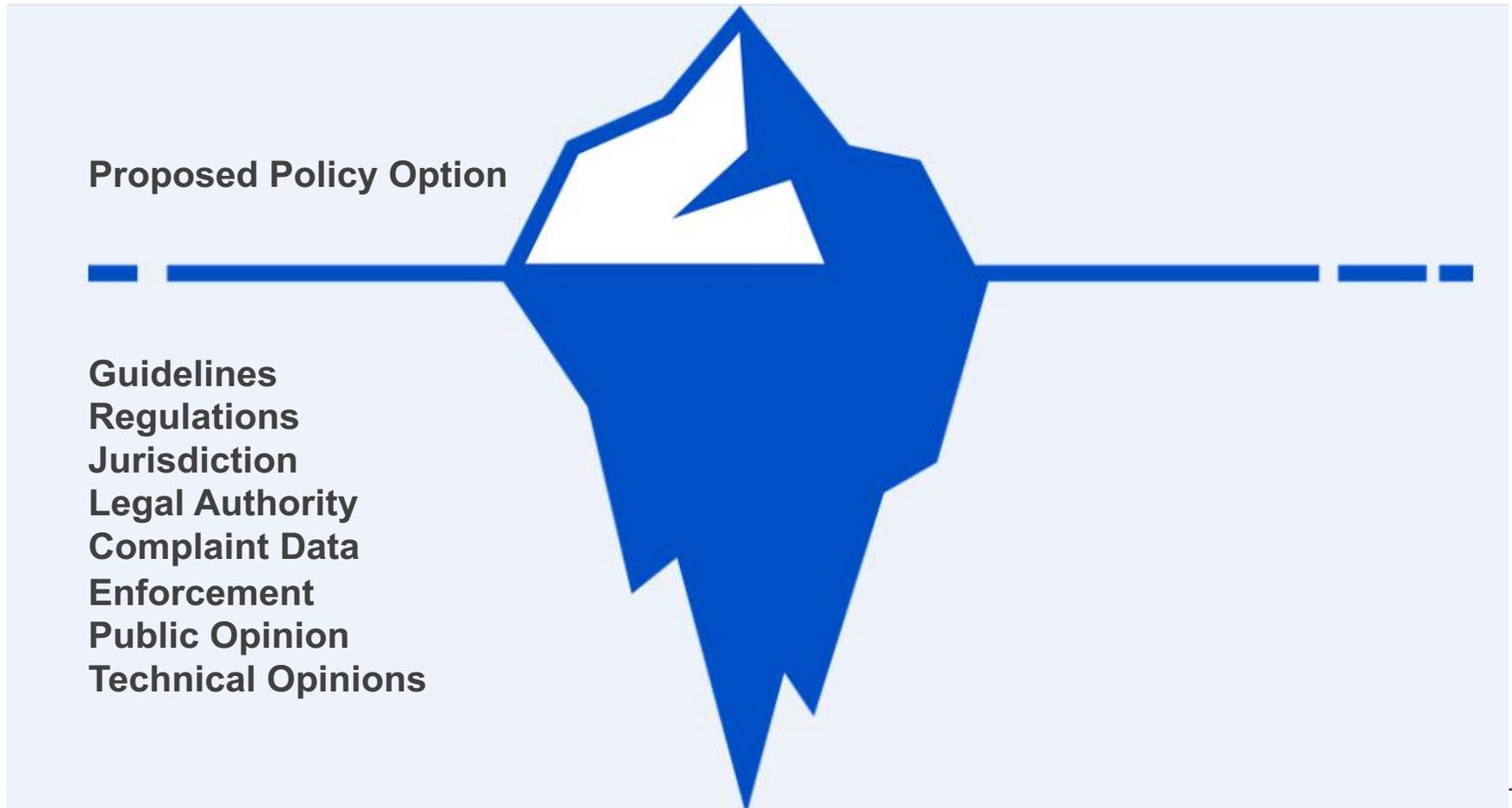


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# Criteria for Proposals

## Criteria

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

# Current Regulations

## § 591-2.1. Specific prohibitions. B. Construction

(1) No person shall emit or cause or permit the emission of sound resulting from any operation of construction equipment or any construction, if it is clearly audible at a point of reception:

- (a) In a quiet zone or residential area within the prohibited period of 7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. on Saturdays, and all day Sunday and statutory holidays; or
- (b) In any other area within the prohibited period of all day Sunday and statutory holidays.

(2) Subsection B(1) does not apply to the continuous pouring of concrete, large crane work, necessary municipal work and emergency work that cannot be performed during regular business hours.

# Construction Noise: Rationale & Previous Discussion Points

**Rationale for update:** Highest source of noise complaints. Need to ensure flexibility for industry and rigour towards minimizing resident disruption. Since the exemptions for continuous concrete pouring and large crane work were introduced in 2008, there has been an increase in number of complaints about construction noise.

## Debate and discussion:

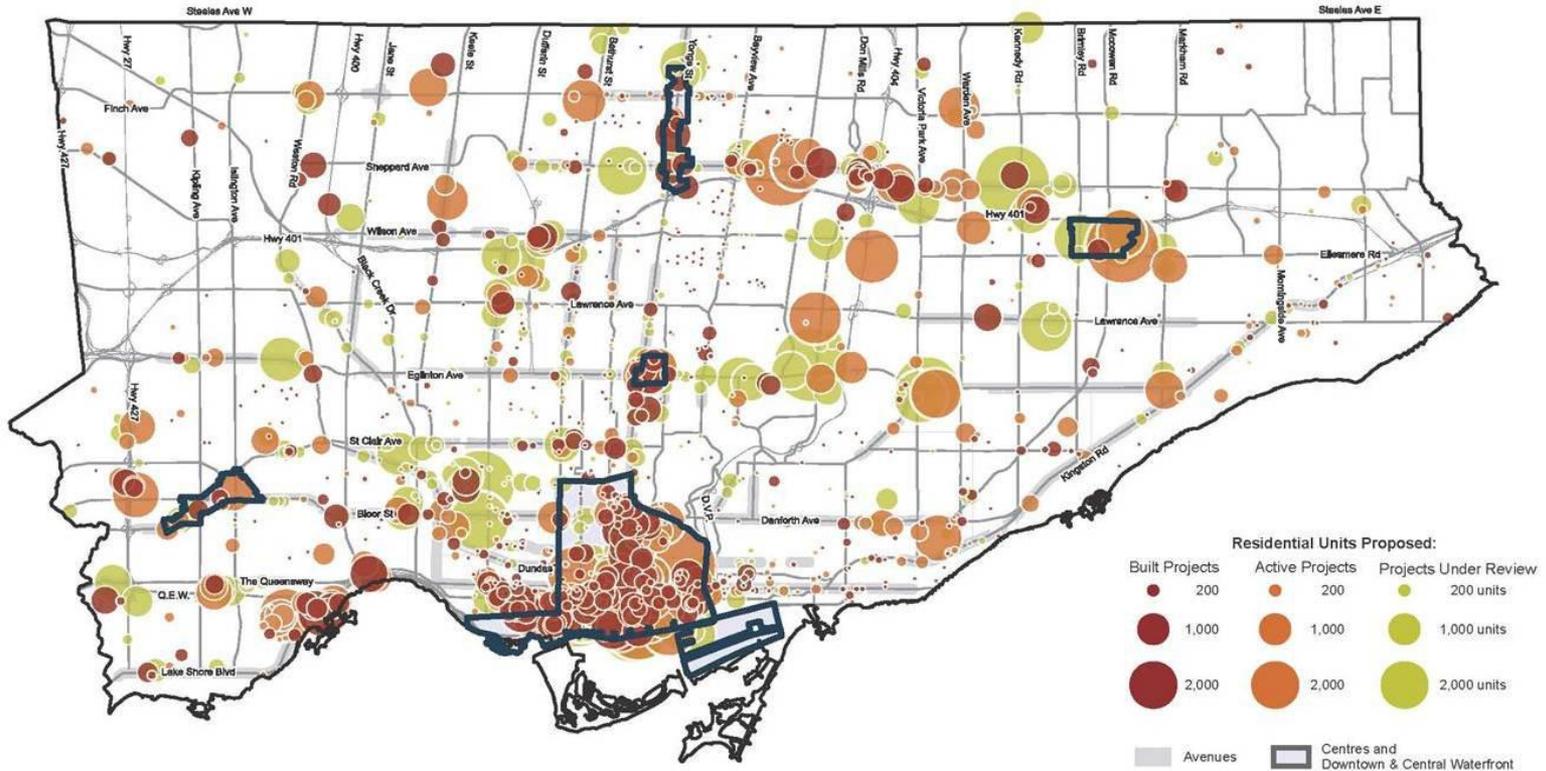
- Resident complaints: industry uses blanket exemption to complete other types of construction work.
- No other municipalities in the City's jurisdictional scan have a blanket exemption for continuous concrete pouring and large crane work.
- Noise Management/Mitigation Plans:
  - May help mitigate impact on local community
  - Industry concerns about time/approvals; want to discuss components of NMP
- Current time constraints are generally accepted
  - Industry does not want to start any later than 7 due to traffic.
  - Residents are frustrated by the level of noise during the day.
- Ipsos: Residents are most concerned about noise caused by construction and/or heavy equipment
- Conflicting priorities: Toronto continues to densify, and make efforts towards improving and maintaining aging infrastructure.

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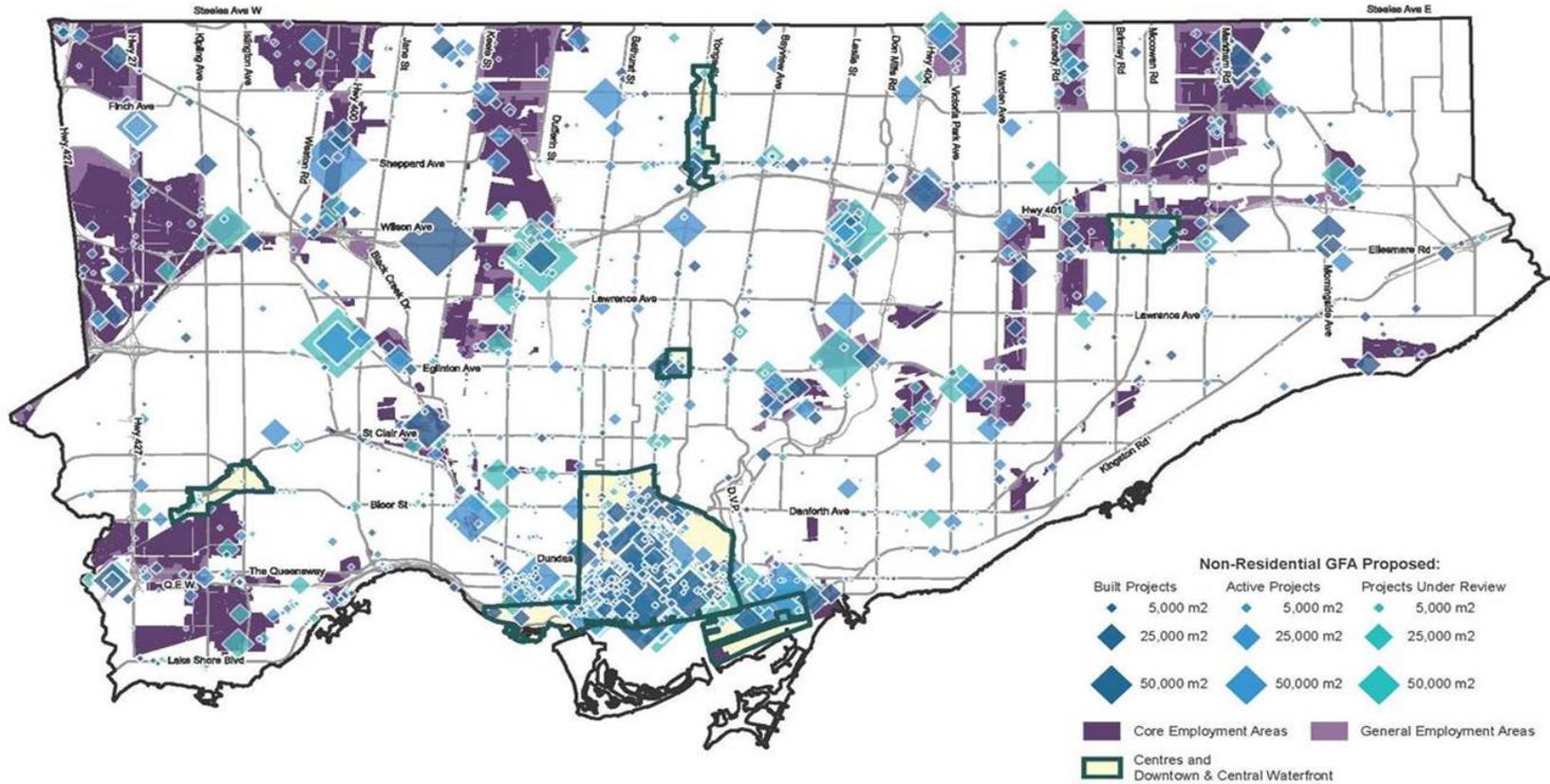
	2015	2016	2017	2018
Construction Noise Complaints	3,468	3,559	3,742	3,845

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# City of Toronto Residential Development



# City of Toronto Non-Residential Development



# Public Opinion Research: Detailed Findings for Construction

- Building (34%) and home (26%) construction noise are mentioned as the most bothersome sources of noise in Toronto among residents.
- When asked what type of noise should be the most restricted, 31% of residents perceive noise from construction, or heavy equipment, to be the most pressing to restrict.
- When asked the acceptability of noise at night:
  - 64% of residents accept the construction of transportation infrastructure (such as fixing roads/building transit at night to speed up completion);
  - 60% of residents accept construction activities that cannot stop once they have started (e.g. continuous concrete pouring);
  - 33% of residents accept construction of commercial buildings; and
  - 30% of residents accept construction of residential buildings.
- Torontonians believe that during the week it is acceptable for noise to begin shortly after 8:00AM, and end just before 7:30PM

# Proposals for Construction Noise

## 1. Status Quo

(1) No person shall emit or cause or permit the emission of sound resulting from any operation of construction equipment or any construction, if it is clearly audible at a point of reception:

In a quiet zone or residential area within the prohibited period of 7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. on Saturdays, and all day Sunday and statutory holidays; or

In any other area within the prohibited period of all day Sunday and statutory holidays.

(2) Subsection B(1) does not apply to the continuous pouring of concrete, large crane work, necessary municipal work and emergency work that cannot be performed during regular business hours.

## 2. Updated Time Constraints + Remove Blanket Exemptions

(1) No person shall emit or cause or permit the emission of sound resulting from any operation of construction equipment or any construction, if it is clearly audible at a point of reception:

Within the prohibited period of 7:30 p.m. until 8:00 a.m. the next day, 9:30 a.m. on Saturdays, and all day Sunday and statutory holidays

Remove exemptions for continuous concrete pouring and large crane work

# Proposals for Construction Noise

## 3. Option 2 + Exemption Permit Requirements

Option 2 provisions

+

Add the following requirements for exemption permit application for construction activity:

- a) Rationale for granting exemption; and
- b) A Noise Mitigation/Management Plan addressing measures to mitigate or manage noise from planned activities; and
- c) A qualified statement for any sounds that are not technically or operationally feasible to control.

## 4. Noise Management/Mitigation Plans for all Construction Activity

Option 3

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Noise Management/Mitigation Plan requirements apply to every construction site (not only exemption permits).

# Proposal 1 – Status Quo

Criteria		Benefits	Drawbacks
Jurisdiction/Legal Authority	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"><li>Fairly enforceable as Officers “use their watch” to determine if there is a violation.</li><li>Generally supported by the industry as it allows workers to start prior to traffic beginning in the city.</li></ul>	<ul style="list-style-type: none"><li>Does not address concerns from residents over noise during construction hours</li><li>Does not address concern that additional construction work may be occurring during blanket exemption for continuous concrete pouring and large crane work.</li></ul>
Reduces Impact on Residents	<input type="checkbox"/>		
Reasonable	<input checked="" type="checkbox"/>		
Enforceable	<input checked="" type="checkbox"/>		
Administratively Feasible	<input checked="" type="checkbox"/>		
Objective	<input checked="" type="checkbox"/>		

# Proposal 2 – Updated Time Constraints + Remove Blanket Exemptions

Criteria		Benefits	Drawbacks
Jurisdiction/Legal Authority	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Fairly enforceable as Officers “use their watch” to determine if there is a violation.</li> </ul>	<ul style="list-style-type: none"> <li>Does not address concerns from residents over noise during construction hours</li> </ul>
Reduces Impact on Residents	<input checked="" type="checkbox"/>		
Reasonable	<input checked="" type="checkbox"/> <input type="checkbox"/>	<ul style="list-style-type: none"> <li>Reflective of surrounding construction practices; removal of blanket exemptions is consistent with comparable cities.</li> </ul>	<ul style="list-style-type: none"> <li>May not be supported by the industry as it would not allow workers to start prior to traffic beginning in the city.</li> </ul>
Enforceable	<input checked="" type="checkbox"/>		
Administratively Feasible	<input checked="" type="checkbox"/>		
Objective	<input checked="" type="checkbox"/>		<ul style="list-style-type: none"> <li>May not be supported by industry as it requires exemption permits for continuous concrete pouring and large crane work.</li> </ul>

# Proposal 3 – Option 2 + Exemption Permit Requirements

Criteria		Benefits	Drawbacks
Jurisdiction/Legal Authority	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• More proactive as it ensures noise management is thought of in advance of work.</li> <li>• Promotes enhanced communication between industry and residents, as posting notices would be mandatory.</li> <li>• May balance need to densify and maintain/improve infrastructure, with the need to protect residents from noise.</li> </ul>	<ul style="list-style-type: none"> <li>• Does not address concerns from residents over noise during construction hours.</li> <li>• May not be supported by the industry as it would not allow workers to start prior to traffic beginning in the city.</li> <li>• May not be supported by industry as it may add more time and administrative effort to projects.</li> </ul>
Reduces Impact on Residents	<input checked="" type="checkbox"/>		
Reasonable	<input checked="" type="checkbox"/> <input type="checkbox"/>		
Enforceable	<input checked="" type="checkbox"/>		
Administratively Feasible	<input checked="" type="checkbox"/> <input type="checkbox"/>		
Objective	<input checked="" type="checkbox"/>		

# Proposal 4 – Noise Management/Mitigation Plans for all Construction Activity

Criteria		Benefits	Drawbacks
Jurisdiction/Legal Authority	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• More proactive as it ensures noise management is thought of in advance of work.</li> </ul>	<ul style="list-style-type: none"> <li>• May not be supported by the industry as it would not allow workers to start prior to traffic beginning in the city.</li> </ul>
Reduces Impact on Residents	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Promotes enhanced communication between industry and residents, as posting notices would be mandatory.</li> </ul>	<ul style="list-style-type: none"> <li>• May not be supported by industry as it may add more time and administrative effort to projects.</li> </ul>
Reasonable	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>• May balance need to densify and maintain/improve infrastructure, with the need to protect residents from noise.</li> </ul>	<ul style="list-style-type: none"> <li>• Administrative concerns – there were over 55,000 building permits issued in 2018 alone.</li> </ul>
Enforceable	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Addresses concerns from residents over noise during permitted construction times.</li> </ul>	
Administratively Feasible	<input type="checkbox"/>		
Objective	<input checked="" type="checkbox"/>		

# Exemption Permits

**Rationale for update:** Current process relies on Councillors to review and approve/deny within 14 days. If a Councillor does not respond, exemption permits are automatically approved. There is some concern over the rising number of exemption permits by residents. Residents also want to be informed of exemptions that may affect their area.

**Debate and discussion:**

- Delegated authority/Councillor authority.
- Mandating that MLS pass along additional information, such as past complaints.
- Include additional conditions such as informing nearby residents

# Proposals for Exemption Permits

## 1. Status Quo

- 85 dB(A) limit
- Measured 20 metres from the source over a 5 minute period
- Councillors have opportunity to comment
- Appeal process involving Community Councils and notice of hearing sent to all nearby residents.
- No authority to revoke a noise exemption permit once issued regardless of non-compliance.
- If Councillor(s) does not respond within 14 days, permit is approved.

## 2. Streamlined process + option to revoke

Same as status quo, except:

- XX dB(A) limit
- Applicant can apply for multiple events
- Applicant required to post notice in a visible location 7-days prior.
- ED can revoke the permit if terms and conditions are breached
- If Councillor(s) does not respond within 14 days, permit is denied.

## 3. Delegated Authority

Option 2 provisions

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- Executive Director has delegated authority to review, approve and deny exemption permits:
- In consultation with Ward Councillor
  - Consider any negative effects or positive benefits for the neighbourhood, any previous violations, as well as possible conditions.

# Proposals for Exemption Permits, Continued

## 4. Graduated Exemptions

## 5. No Exemptions

Updated status quo provisions

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Exemption permit categories:

- (1) Low impact
- (2) High impact

*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.*

High Impact Events must also provide:

- 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.

- Remove exemption permits.

# Where Are We Going?

- Jan. 28<sup>th</sup> – Feb 6<sup>th</sup>** Five Public Consultation Meetings:
- Power Equipment (January 28<sup>th</sup>)
  - Motor Vehicles (January 29<sup>th</sup>)
  - Amplified Sound (January 30<sup>th</sup>)
  - Construction Noise (February 5<sup>th</sup>)
  - General Noise (February 6<sup>th</sup>)
- Feb. 28<sup>th</sup>** Summary of Public Consultation Meeting Feedback Posted on [www.toronto.ca/noisebylawreview](http://www.toronto.ca/noisebylawreview)
- Feb. 28<sup>th</sup>** Last Day to Submit Comments to [mlsfeedback@toronto.ca](mailto:mlsfeedback@toronto.ca)
- March** MLS Staff Draft Report with Proposed Changes
- April** Report at Economic and Community Development Committee

# Discussion