

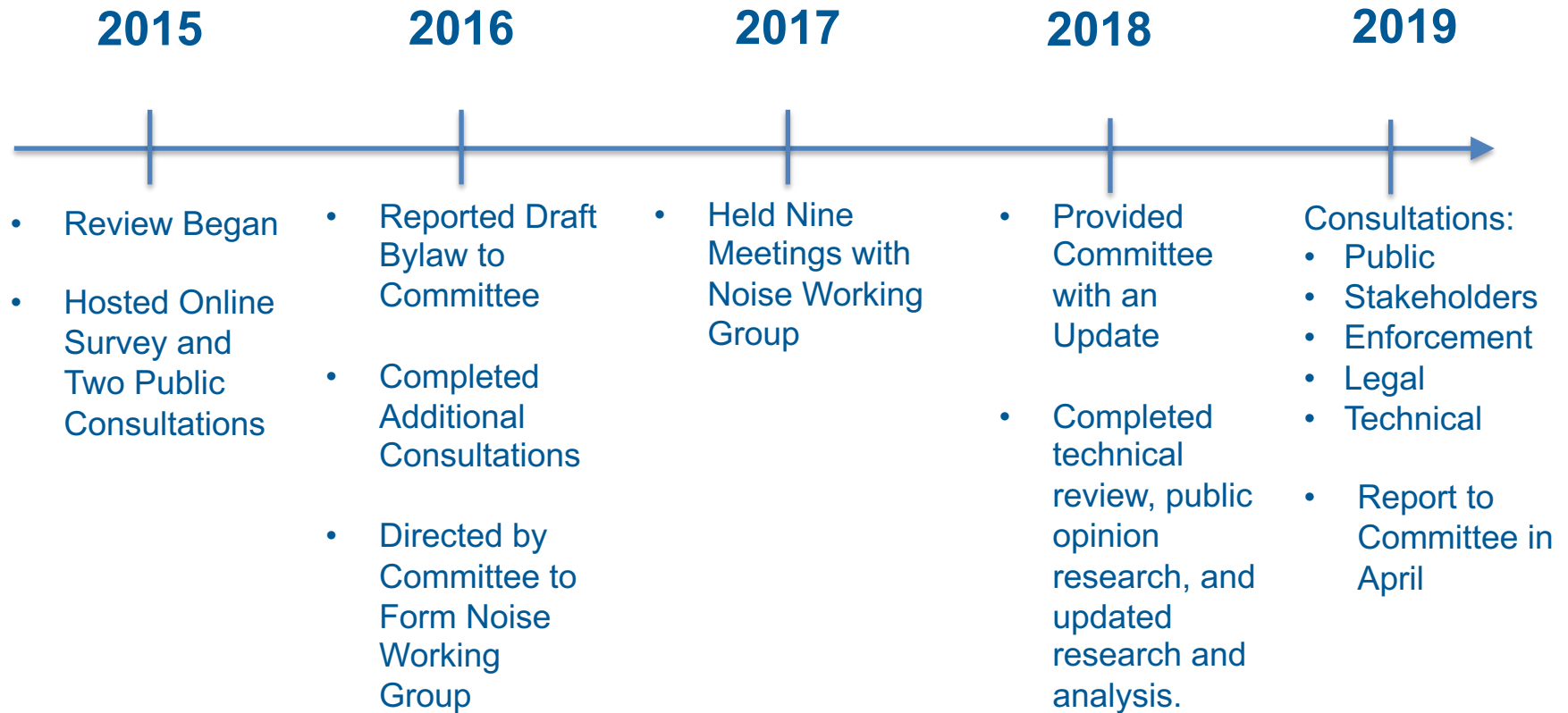
# Noise Bylaw Review: Motor Vehicles

Tuesday January 29, 2019, 6 p.m. to 8 p.m.  
Metro Hall (55 John Street)

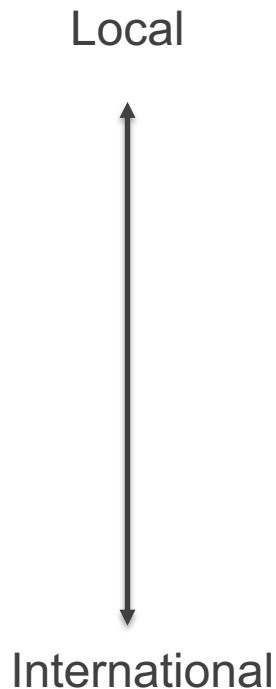


# Background

# 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
  - 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.

# 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.

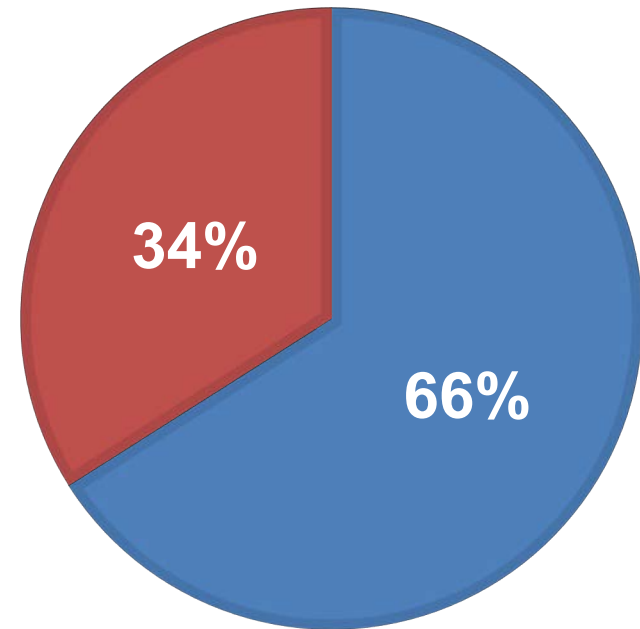
## Methodology:

- 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.





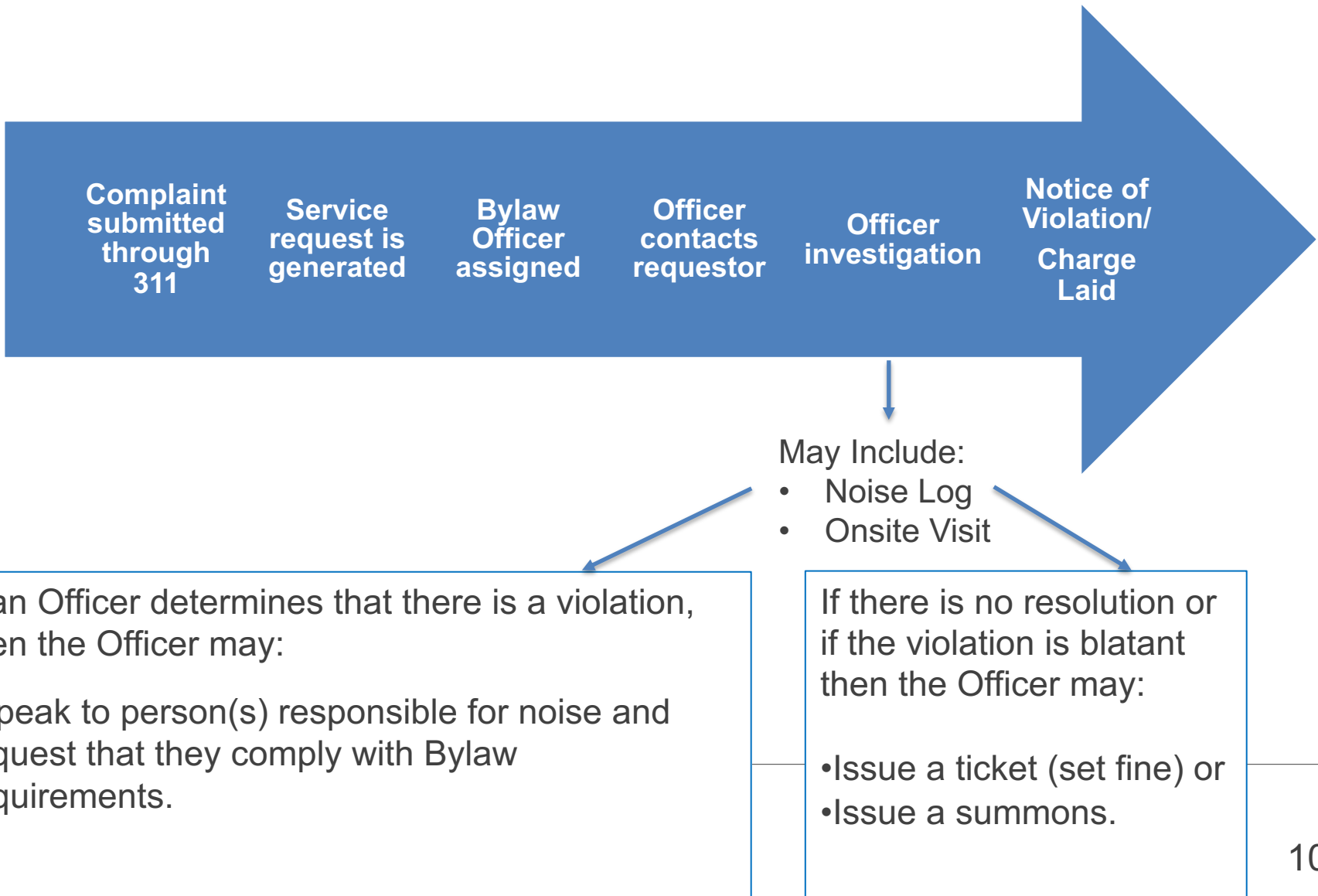
# What are the Offences in the Noise Bylaw?

*§ 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

**235** 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

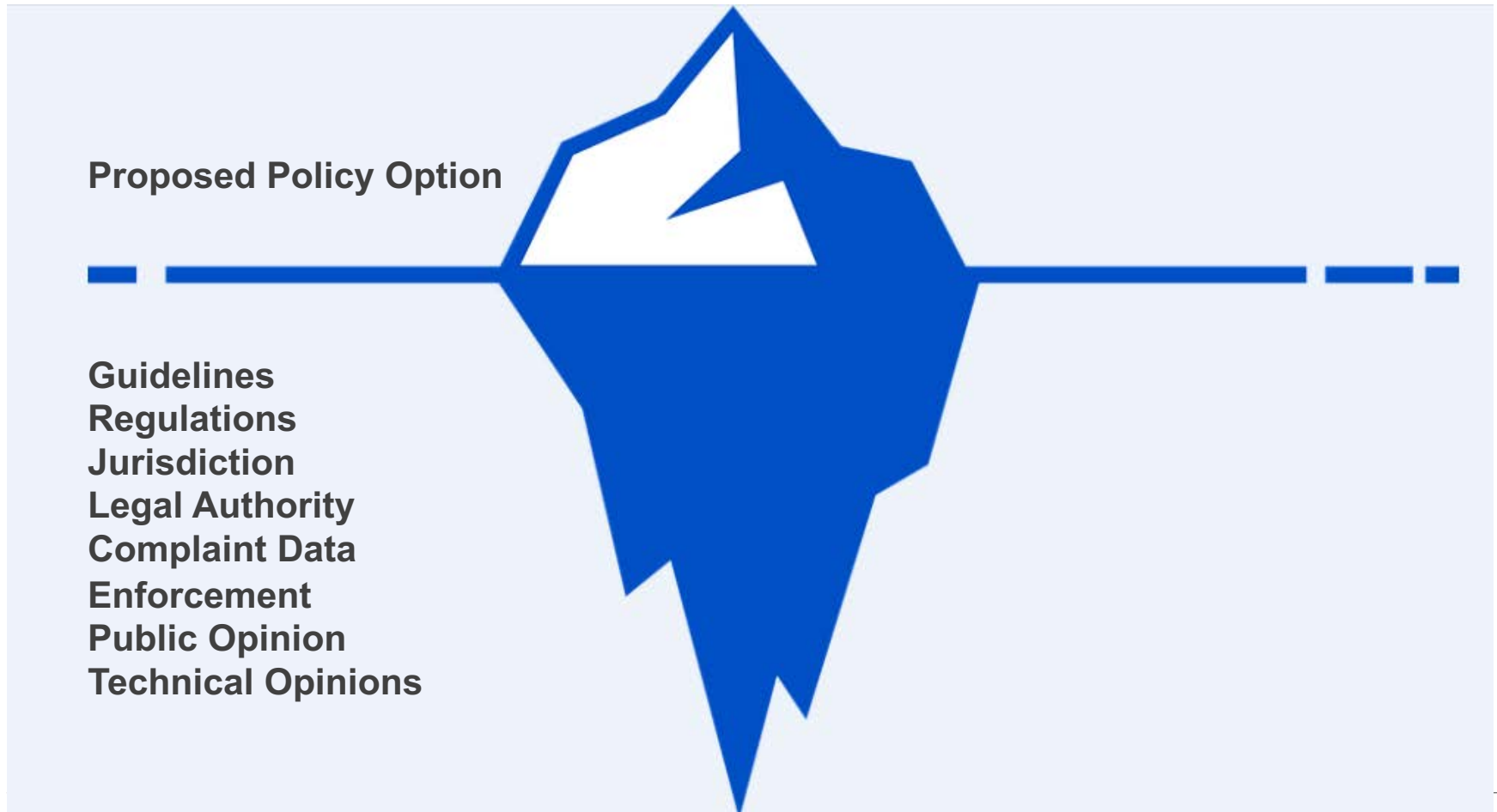


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# Criteria for Proposals

## 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                                           |



# Public Opinion Research: Detailed Findings for Motor Vehicle Noise

When asked to identify the most bothersome type of noise (*choose up to 3*):

- 21% of respondents identified motorcycle noise
- 21% of respondents identified alarm sounds (for example: car alarms, fire alarms)
- 18% of respondents identified traffic noise

When asked to identify the most important types of noise to be restricted (*open-ended response*):

- 7% of respondents identified vehicle noise (cars, trucks, motorcycles, etc.)
- 5% of respondents identified traffic noise

# Current Regulations

No person shall emit or cause or permit the emission of sound resulting from an act listed below if the sound is clearly audible at a point of reception:

- a) Racing of any motor vehicle other than in a racing event regulated by law.
- b) The operation of a motor vehicle in such a way that the tires squeal.
- c) The operation of a vehicle, engine, motor, construction equipment, or pneumatic device without an effective exhaust, intake-muffling device or other sound attenuation device of a type specified by the manufacturer, which is in good working order, and in constant operation.
- d) The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.
- e) The operation of a vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.

Vehicle repairs; loading and unloading: prohibited by time and place

# Motor Vehicle Noise: Rationale & Previous Discussion Points

**Rationale for update:** Motor vehicle noise is regulated in the Highway Traffic Act (HTA). Current provisions in Chapter 591 are additional tools that support the Toronto Police Service (TPS) in enforcing motor vehicle noise. TPS priorities are shifting as a result of the Transformational Task Force.

## **Debate and discussion:**

- Many provisions in Chapter 591 duplicate those in the HTA. Intention is to charge under a less serious offence (fine vs. demerit points)
- Complaints about motorcycle noise and request from Mayor to explore enforcement options.
- MSOs do not have authority to pull over vehicles.

# Examples of Motor Vehicle Noise Enforcement Strategies

## 1. Traffic blitzes

- Used in many jurisdictions
- Common types of blitzes: speeding, impaired driving, distracted driving, illegal parking/idling, seatbelt use, etc.
- Some blitzes target specific sources or causes of excessive noise and are led by police, or in collaboration with local bylaw enforcement staff. Examples include:
  - Vehicles with modified or damaged exhausts (Cobourg)
  - Motorcycles, particularly ones with modifications (Hamilton, Oakville)
  - Motorcycles exceeding decibel limit (Caledon, Oakville)

# Examples of Motor Vehicle Noise Enforcement Strategies

## 2. Sound/photo radars – Edmonton, and Abu Dhabi

- Similar to red light camera technology
- Objective threshold being tested
- Challenges:
  - Proprietary technology (and limitations of technology)
  - Enforced by Police
  - Cost
- Still waiting results of Edmonton Pilot Project

## 3. LED display boards – Edmonton

- Display decibel level of nearby vehicles
- Preliminary results suggest it attracted more sound and caused confusion among residents.

# Proposals for Motor Vehicle Noise

## 1. Status Quo

No person shall emit or cause or permit the emission of sound resulting from an act listed below if the sound is clearly audible at a point of reception:

- a) Racing of any motor vehicle...
- b) The operation of a motor vehicle in such a way that the tires squeal.
- c) The operation of a vehicle, engine, motor, construction equipment, or pneumatic device without an effective exhaust, intake-muffling device or other sound attenuation device...
- d) The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.
- e) The operation of a vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.

Vehicle repairs; loading and unloading: prohibited by time and place

## 2. Option for joint enforcement

No person shall emit or cause or permit the emission of sound resulting from an act listed below if the sound is clearly audible at a point of reception:







- a) Unnecessary motor vehicle noise, such as sounding of the horn, revving of engine, squealing of tires, banging, clanking or any like sounds.
- b) Repairing, rebuilding, modifying or testing a vehicle from 9:00 p.m. until 8:00 a.m. the next day (9:30 a.m. on weekends and statutory holidays)
- c) Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products or materials from 11:00 p.m. until 8:00 a.m. the next day (9:30 a.m. on weekends and statutory holidays)

## 3. Remove HTA provisions







*Same as option 2, except point a:*

- a) 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 and located on a private property.

# Proposal 1 – Status Quo

Criteria		Benefits	Drawbacks
Jurisdiction/Legal Authority		<ul style="list-style-type: none"> <li>Additional tool to support TPS (option to lay a charge under Highway Traffic Act or City bylaw)</li> </ul>	<ul style="list-style-type: none"> <li>Duplication of Highway Traffic Act</li> <li>MSOs cannot pull over vehicles</li> </ul>
Reduces Impact on Residents			
Reasonable			
Enforceable			
Administratively Feasible			
Objective			

# Proposal 2 – Option for joint enforcement

Criteria		Benefits	Drawbacks
Jurisdiction/Legal Authority		<ul style="list-style-type: none"><li>Provides an option for joint enforcement with TPS; ability to address serious and persistent issues</li></ul>	<ul style="list-style-type: none"><li>Provision a) is not enforceable by MSOs, and is a duplication of the Highway Traffic Act.</li></ul>
Reduces Impact on Residents			
Reasonable		<ul style="list-style-type: none"><li>Maintains time constraints for vehicle repair; loading and unloading</li></ul>	<ul style="list-style-type: none"><li>Requires collaboration with the police to be enforced.</li></ul>
Enforceable			
Administratively Feasible			
Objective			



# Proposal 3 – Remove HTA provisions

Criteria		Benefits	Drawbacks
Jurisdiction/Legal Authority	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"><li>Is within the jurisdiction and legal authority of the Noise bylaw</li></ul>	<ul style="list-style-type: none"><li>Cannot address concerns about vehicle noise on the road.</li></ul>
Reduces Impact on Residents	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"><li>Can be enforced by MSOs without police support</li></ul>	
Reasonable	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"><li>Maintains time constraints for vehicle repair; loading and unloading</li></ul>	
Enforceable	<input checked="" type="checkbox"/>		
Administratively Feasible	<input type="checkbox"/>		
Objective	<input type="checkbox"/>		

# 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