

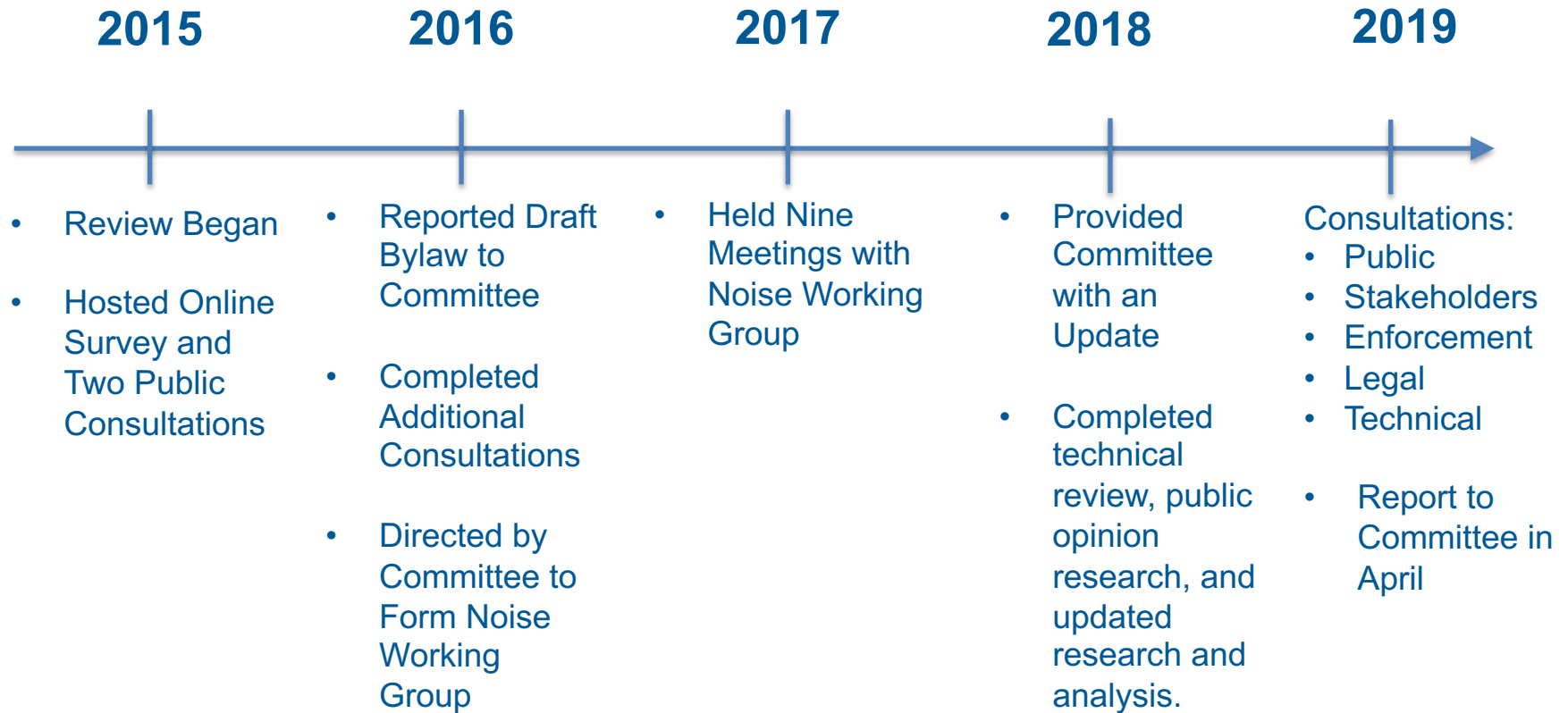
Noise Bylaw Review: General Noise

Wednesday February 6, 2019, 6 p.m. to 8 p.m.
The Garage (720 Bathurst St.)

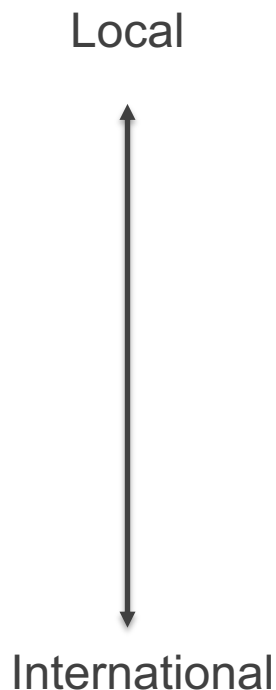


Background

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.

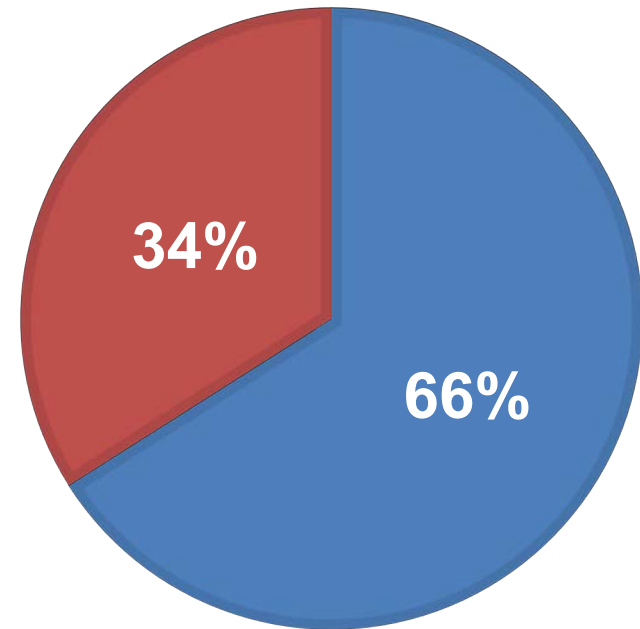
Methodology:

- 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

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.



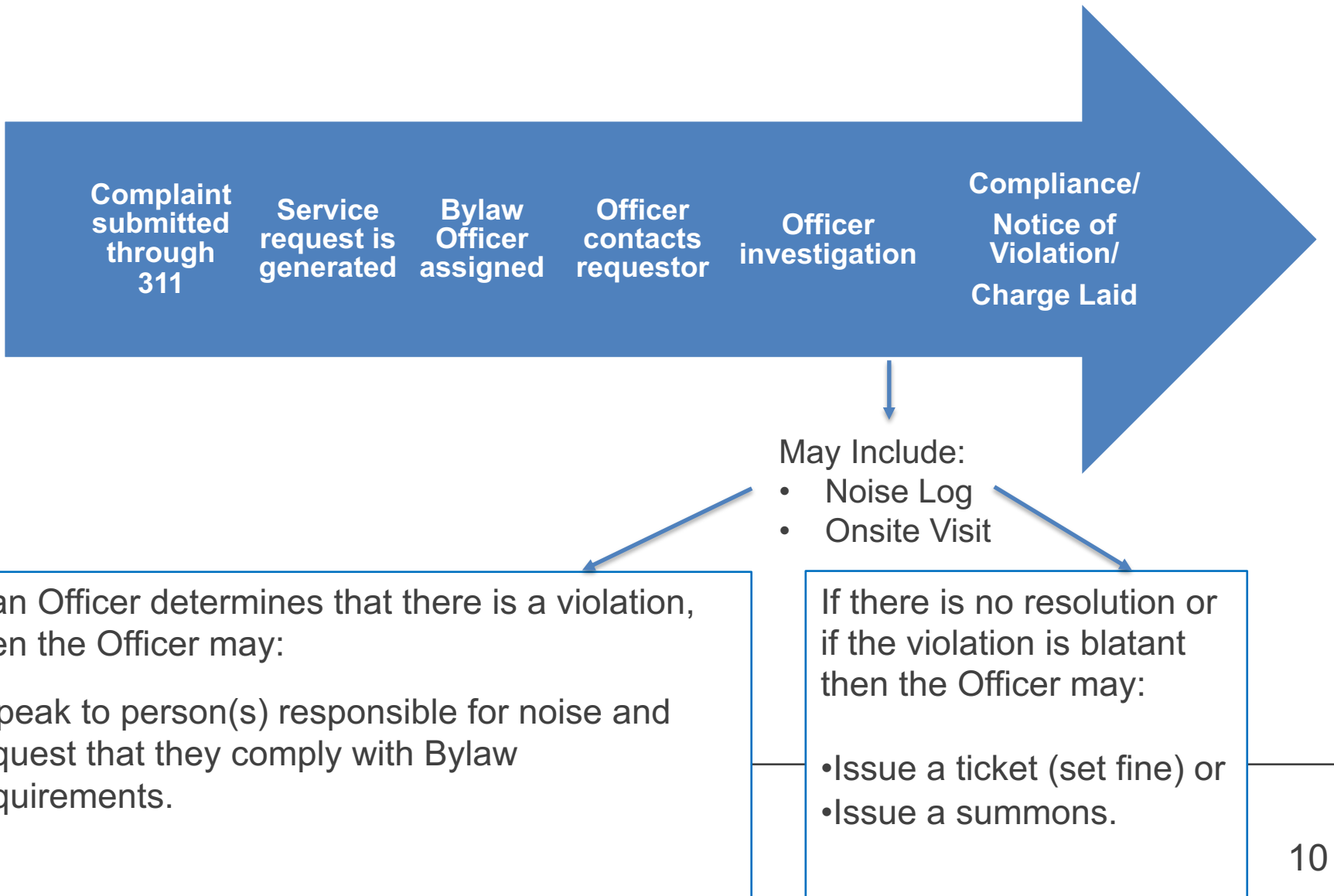
What are the Offences in the Noise Bylaw?

§ 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.*

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

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

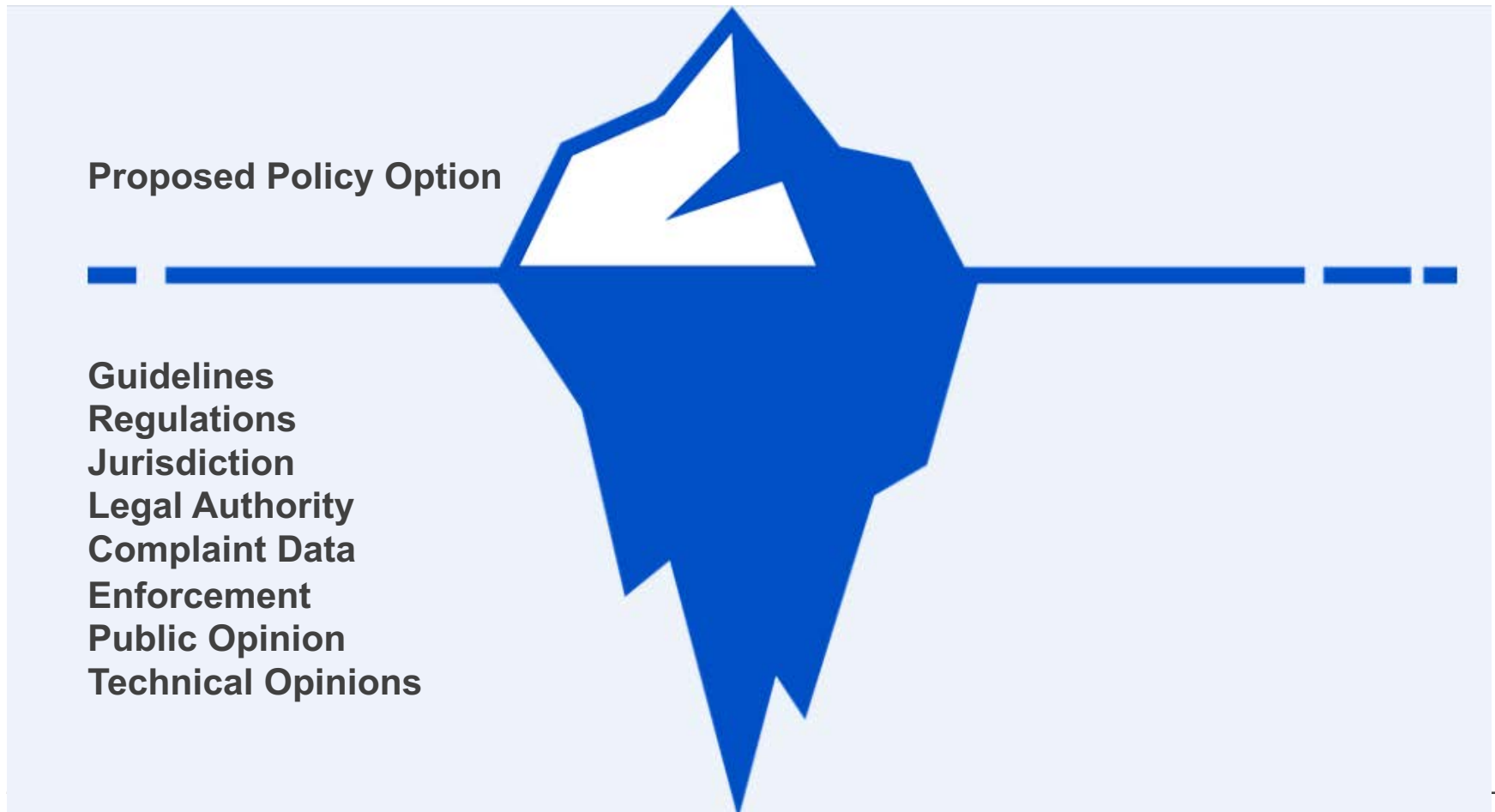


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Criteria for Proposals

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. No person shall make, cause or permit noise or vibration, at any time, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the City.

This is the overarching statement of the Noise Bylaw.

General Prohibition: Rationale & Previous Discussion Points

Rationale for update: The “likely to disturb” is subject to interpretation. As a result, it is difficult to enforce consistently. The current bylaw is also confusing as there is one overarching “prohibition” of noise at any time of day and then an additional 11 specific prohibitions of noise.

Debate and discussion:

- Adding time constraints to the general prohibition may reduce the need for numerous specific prohibitions, but it may weaken our ability to enforce during the day.
- General prohibitions are typically a component of the provincial “Model Municipal Noise Bylaw” – act as ‘Motherhood’ statement.
- Most (80%) Torontonians perceive noise to be tolerable and a component of living in a big city (76%) - about half (53%) of residents accept the level of noise in the City of Toronto.

Public Opinion Research: General Attitudes Towards Noise

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

I am not okay with loud noise for any event, at any time of day.



Noise should not disturb residents at any time of day.



I am concerned about the negative health impacts that might be caused by excessive noise.



The City of Toronto should do more to restrict the creation of excessive noise.



The level of noise in the city of Toronto today is acceptable to me.



Noise is a normal part of living in a big city.



I think that loud noise is okay sometimes, for a special event or construction, but not all the time.



Q18. Please indicate whether you agree or disagree with the following statements. Base: all Respondents (n=1001)

Proposals for General Prohibition

1. Status Quo

No person shall make, cause or permit noise or vibration, at any time, which is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants* of the City.

2. Relative to Ambient

No person shall cause or permit noise that exceeds the ambient sound level at a point of reception.

3. Time Constraints

No person shall cause or permit noise, which is out of the normal course of events/unusual /unreasonable and disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the City from:

7:30 p.m. until 8:00 a.m. the next day (9:30 a.m. on weekends and statutory holidays).

4. No General Prohibition

Remove general prohibition.
All noise restrictions are covered through the specific prohibitions.







Proposal 1 – Status Quo

Criteria		Benefits	Drawbacks
Jurisdiction/Legal Authority	<input checked="" type="checkbox"/>	<ul style="list-style-type: none">Addresses noise that may not be covered by a specific prohibition.	<ul style="list-style-type: none">Difficult to enforce due to its vagueness.May be subject to interpretation.Having a general prohibition and 11 specific prohibitions is confusing to the public
Reduces Impact on Residents	<input checked="" type="checkbox"/>		
Reasonable	<input checked="" type="checkbox"/>		
Enforceable	<input type="checkbox"/>		
Administratively Feasible	<input type="checkbox"/>		
Objective	<input checked="" type="checkbox"/>		

Proposal 2 – Relative to Ambient

Criteria		Benefits	Drawbacks
Jurisdiction/Legal Authority	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Reflects the reality of a large a diverse city. 	<ul style="list-style-type: none"> Difficult to establish ambient – varies based on many factors (location, weather, other environmental conditions). Requires multiple visits from a bylaw enforcement officer.
Reduces Impact on Residents	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> An objective measure, provides clearer guidelines for enforcement. 	
Reasonable	<input checked="" type="checkbox"/>		
Enforceable	<input type="checkbox"/>		
Administratively Feasible	<input type="checkbox"/>		
Objective	<input type="checkbox"/> <input checked="" type="checkbox"/>		

Proposal 3 – Time Constraints

Criteria		Benefits	Drawbacks
Jurisdiction/Legal Authority		<ul style="list-style-type: none">Provides clearer guidelines for enforcement.	<ul style="list-style-type: none">Does not protect against unusual or unreasonable noise during the day.
Reduces Impact on Residents		<ul style="list-style-type: none">Based on the ideal time constraints identified in the Ipsos Reid Public Opinion Research.	
Reasonable		<ul style="list-style-type: none">Can simplify the bylaw (collapsing several specific prohibitions that are based on time constraints under the general prohibition).	
Enforceable			
Administratively Feasible			
Objective			

Proposal 4 – No General Prohibition

Criteria		Benefits	Drawbacks
Jurisdiction/Legal Authority	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Increases clarity and ease of compliance and enforcement. Increases capacity to prioritize and respond to noise complaints under the specific prohibitions. All noise restrictions are covered through specific prohibitions. 	<ul style="list-style-type: none"> Does not give flexibility for bylaw enforcement officers to charge under general prohibition. Specific prohibitions must be sufficiently comprehensive.
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"/>		

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

+

- 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

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.

5. No Exemptions

- Remove exemption permits.

Where Are We Going?

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

Discussion