

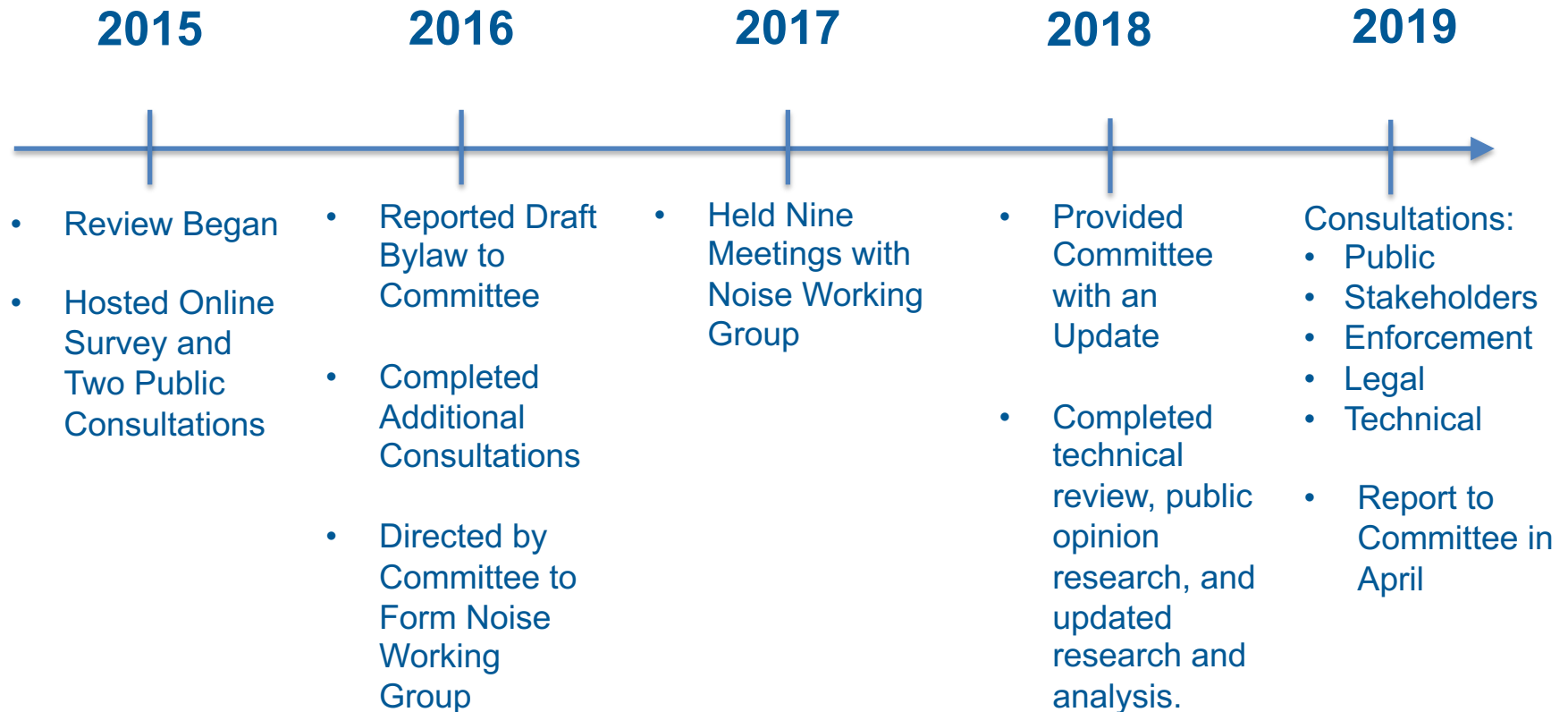
# Noise Bylaw Review: Power Equipment

Monday January 28, 2019, 6 p.m. to 8 p.m.  
North York Civic Centre Member's Lounge (5100 Yonge St.)

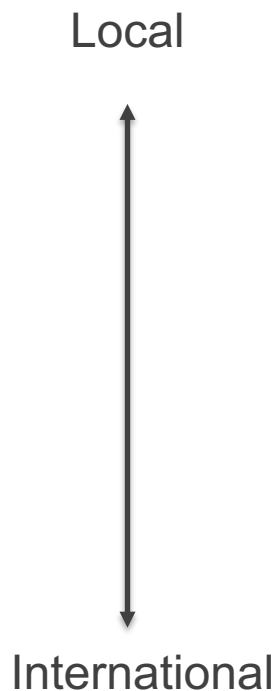


# Background

# 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.

# 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.

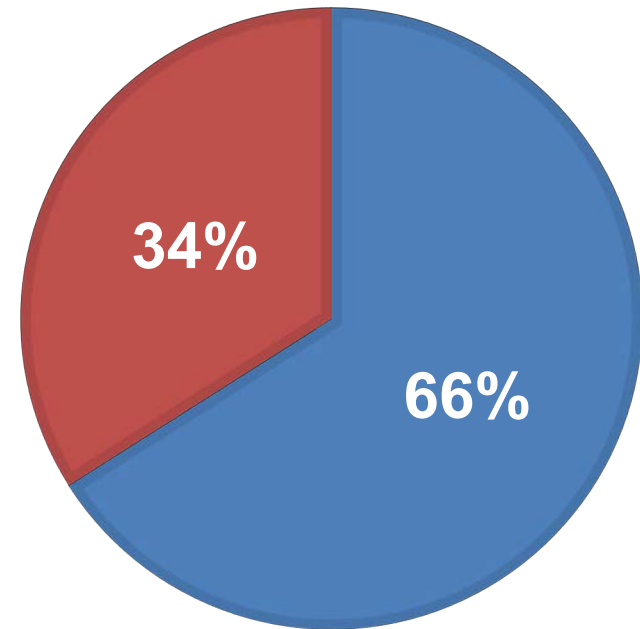
## Methodology:

- 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.





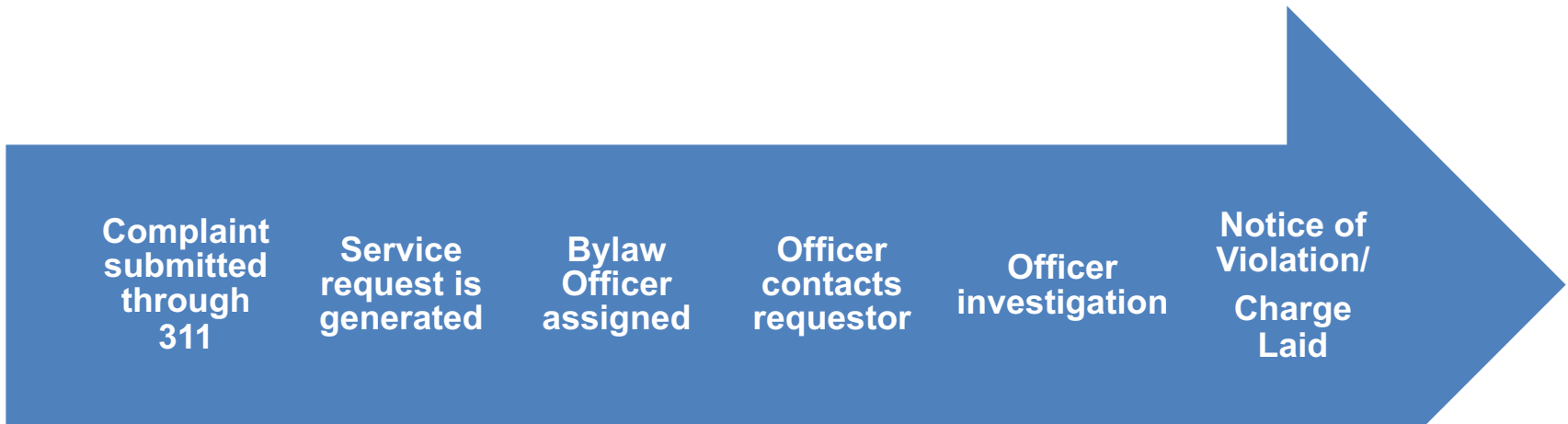
# What are the Offences in the Noise Bylaw?

*§ 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



May Include:

- Noise Log
- Onsite Visit

If an Officer determines that there is a violation, then the Officer may:

- Speak to person(s) responsible for noise and request that they comply with Bylaw requirements.

If there is no resolution or if the violation is blatant then the Officer may:

- Issue a ticket (set fine) or
- Issue a summons.

# 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

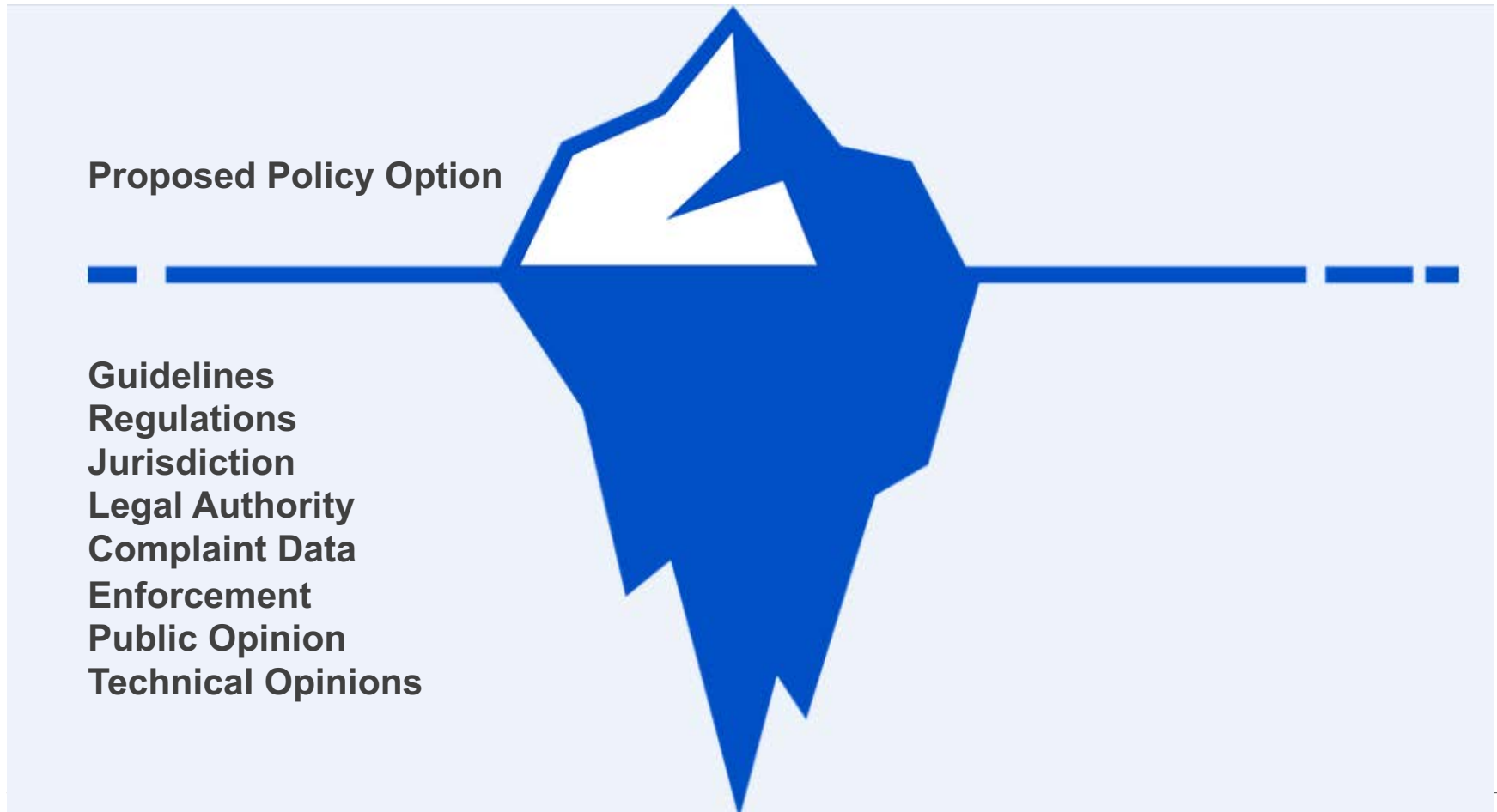


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# Criteria for Proposals

## 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   |



# Current Regulations

A. No person shall emit or cause or permit the emission of sound resulting from the operation of any power device below if clearly audible at a point of reception located in a prescribed area of the municipality within a prohibited time shown for such an area:

Quiet Zone:

7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.

Residential:

9:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.

# Power Equipment: Rationale & Previous Discussion Points

**Rationale for update:** Current bylaw uses zones that stakeholders find out of date (growing number of mixed zones in the city). There are also concerns about the use of leaf blowers, as some residents find them too noisy. MLS was also directed to explore the either banning or setting decibel limits on leaf blowers.

## **Debate and discussion:**

- Many feel that time constraints should remain;
- Debate over banning leaf blowers or setting decibel limits; some residents feel that they are a nuisance
  - Public Opinion Research: Only 11% say leaf blowers should be banned.
  - Leaf Blower Complaints:
    - 2015 - 52
    - 2016 - 27
    - 2017 - 28
    - 2018 - 50

# Proposals for Power Equipment

## 1. Status Quo

A. No person shall emit or cause or permit the emission of sound resulting from the operation of any power device below if clearly audible at a point of reception located in a prescribed area of the municipality within a prohibited time shown for such an area:

Quiet Zone:

7:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.

Residential:

9:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.

## 2. New Time Constraints

A. No person shall emit or cause or permit the emission of sound resulting from any power device, if clearly audible at a point of reception from 7:30 p.m. until 8:00 a.m. the next day (9:30 a.m. on weekends and statutory holidays).

B. Subsection A shall not apply to any power device, tool or device used for snow removal.

# Proposals for Power Equipment

## 3. Leaf Blowers – Prohibition By Distance

Option 2 provisions

AND

No person shall emit or cause or permit the emission of sound resulting from a leaf blower, if clearly audible at a point of reception, XX m from a residential property.

*Could provide an exemption for golf courses for the use of any leaf blower.*

## 4. Leaf Blowers – Equipment Standards & Prohibition by Distance

Option 3 provisions

AND

No person shall operate a leaf blower unless the leaf blower meets the Category 1 - dB(A) <65 equipment standard of ANSI.

*Could provide an exemption for golf courses for the use of any leaf blower.*

# Proposal 1 – Status Quo

Criteria		Benefits	Drawbacks
Jurisdiction/Legal Authority	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Protects residents from noise related to power equipment.</li> </ul>	<ul style="list-style-type: none"> <li>Does not quantify how loud the noise may be during the permitted time.</li> </ul>
Reduces Impact on Residents	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Allows industry to continue to use equipment, recognizing the time and health &amp; safety issues associated with raking.</li> </ul>	<ul style="list-style-type: none"> <li>Does not recognize the local context (e.g. the use of leaf blowers on large open spaces such as golf courses may be less likely to cause a nuisance compared to the use of leaf blowers in a close-knit neighbourhood).</li> </ul>
Reasonable	<input checked="" type="checkbox"/>		
Enforceable	<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>	
Administratively Feasible	<input checked="" type="checkbox"/>		
Objective	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Moves away from 2016 proposal for an extension until 11 p.m. – too lenient.</li> </ul>	

# Proposal 2 – New Time Constraints

Criteria		Benefits	Drawbacks
Jurisdiction/Legal Authority	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"><li>• Same as Proposal 1.</li><li>• Recognizes time constraints generally accepted through third-party, public opinion research.</li></ul>	<ul style="list-style-type: none"><li>• Same as Proposal 1.</li></ul>
Reduces Impact on Residents	<input checked="" type="checkbox"/>		
Reasonable	<input checked="" type="checkbox"/>		
Enforceable	<input checked="" type="checkbox"/>		
Administratively Feasible	<input checked="" type="checkbox"/>		
Objective	<input checked="" type="checkbox"/>		

# Proposal 3 – Leaf Blowers, Prohibition By Distance

Criteria		Benefits	Drawbacks
Jurisdiction/Legal Authority	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>• Reduces the impact of noise in residential areas.</li> <li>• Considers the local context.</li> <li>• Allows golf courses to continue to use, as long as it is a certain distance from a residence.</li> </ul>	<ul style="list-style-type: none"> <li>• A fairly restrictive regulation for the number of complaints the City currently receives.</li> <li>• Does not recognize time, resources and health &amp; safety concerns for landscapers in residential areas.</li> <li>• Difficulty in pinpointing the specific distance away – how is this distance decided?</li> </ul>
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 4 – Leaf Blowers, Equipment Standard & Prohibition by Distance

Criteria		Benefits	Drawbacks
Jurisdiction/Legal Authority	<input checked="" type="checkbox"/> <input type="checkbox"/> ?	<ul style="list-style-type: none"> <li>Reduces the impact of noise in residential areas.</li> </ul>	<ul style="list-style-type: none"> <li>A fairly restrictive regulation for the number of complaints the City currently receives.</li> </ul>
Reduces Impact on Residents	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Considers the local context.</li> </ul>	<ul style="list-style-type: none"> <li>Does not recognize time, resources and health &amp; safety concerns for landscapers in residential areas.</li> </ul>
Reasonable	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> <li>Allows golf courses and industrial/commercial businesses to continue to use, as long as it is a certain distance from a residence.</li> </ul>	<ul style="list-style-type: none"> <li>Difficulty in pinpointing the specific distance away – how is this distance decided?</li> </ul>
Enforceable	<input type="checkbox"/> ?	<ul style="list-style-type: none"> <li>Introduces objectivity in noise complaints.</li> </ul>	<ul style="list-style-type: none"> <li>Administratively burdensome – difficult to keep track of what leaf blowers are/are not allowed.</li> </ul>
Administratively Feasible	<input type="checkbox"/> ?		<ul style="list-style-type: none"> <li>Labelling decibels on power equipment is outside the scope of the City.</li> </ul>
Objective	<input checked="" 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