

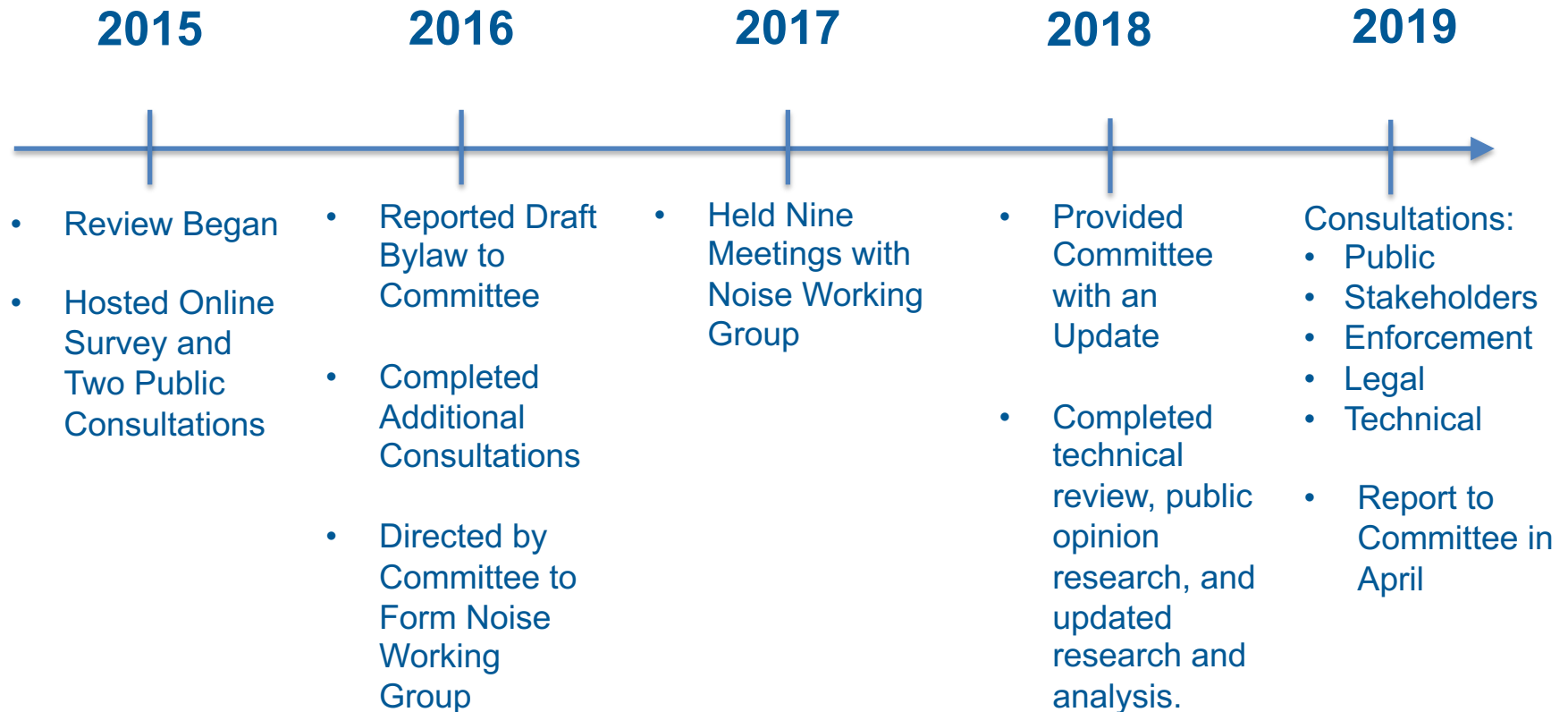
# Noise Bylaw Review: Amplified Sound

Wednesday January 30, 2019, 6 p.m. to 8 p.m.  
Scadding Court Community Centre (707 Dundas St. West)

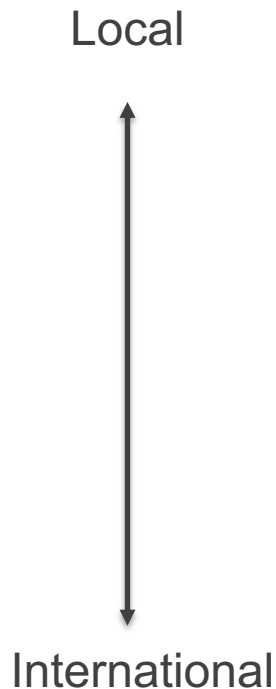


# Background

# 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.

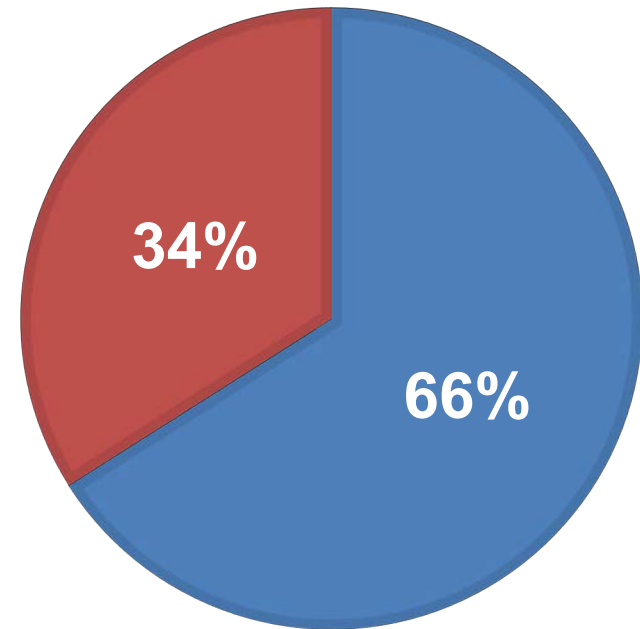
## Methodology:

- 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.





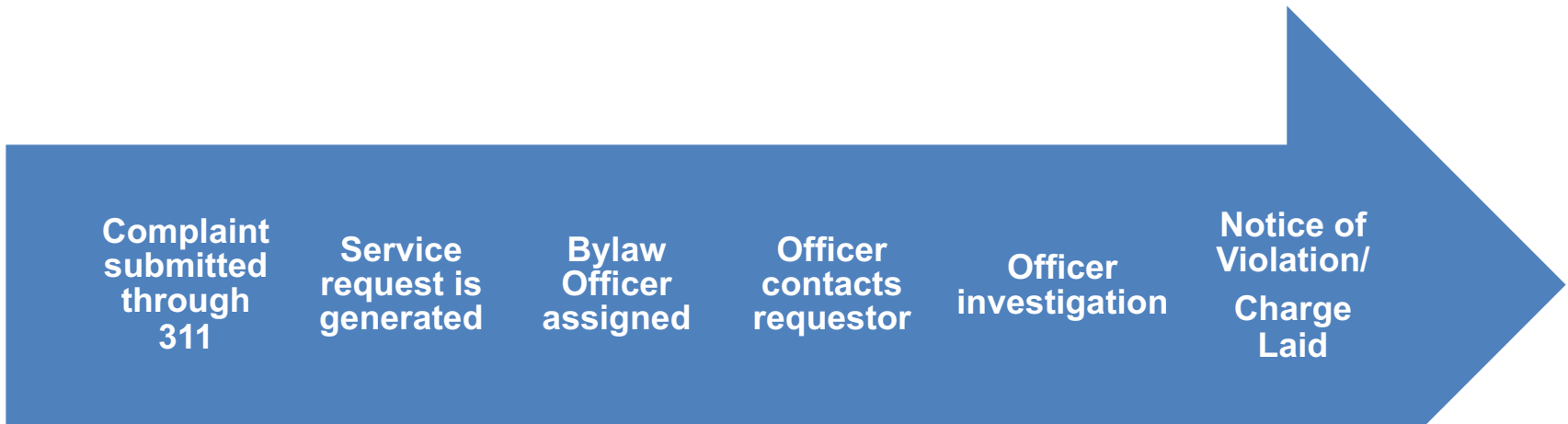
# What are the Offences in the Noise Bylaw?

*§ 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



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

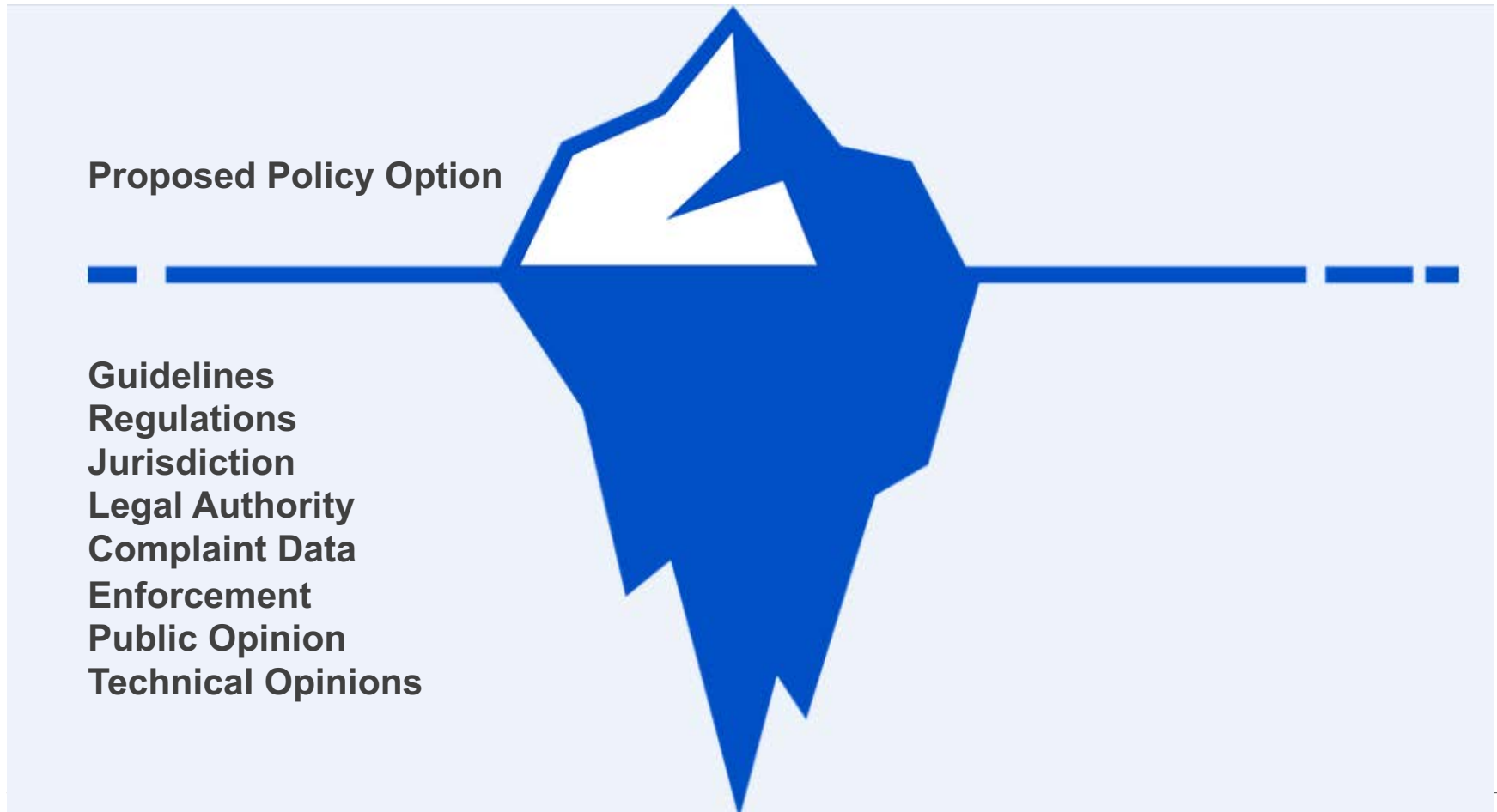


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# Criteria for Proposals

## 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

§ 591-2.1.A No person shall emit or cause or permit the emission of sound from any electronic device...into any street or public place.

§ 591-4. No person shall emit or cause or permit the emission of sound resulting from the operation of any electronic device:

Residential:

11:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.

Quiet Zone:

At all times.

# Amplified Sound: Rationale & Previous Discussion Points

**Rationale for update:** Amplified sound is one of the greatest sources of noise disruption according to public consultation feedback, but was not identified as highly in the public opinion research. Current provisions are logically inconsistent, and often interpreted subjectively.

## **Debate and discussion:**

- Decibel limits and time constraints provide certainty for businesses, and consistent bylaw interpretation.
- Point of reception measurement;
  - may be onerous and intrusive for noise claimant
  - difficult for businesses to objectively know if they are operating within legal boundaries
  - difficult to isolate source of sound
  - supported by legal and sound engineers, as best practice
- Conflicting City priorities: Toronto Music Strategy supports goal of being a music city.

# Public Opinion Research: Detailed Findings for Amplified Sound

When asked to identify the most bothersome type of noise:

- 19% of respondents identified noise from residential houses (for example music, parties, etc.)
- 7% of respondents identified noise from bars and restaurants as the most bothersome.
- 5% of respondents identified noise from outdoor music concerts as the most bothersome.

When asked what type of noise should be the most restricted, 8% of respondents believe it should be loud music.

Nearly eight in ten (77%) residents agree that decibels should be used to measure how loud an event or object is.

In the event that a noise complaint is made, nearly three in four (73%) say that they are comfortable with a bylaw officer entering their property to assess the noise.

# Proposals for Amplified Sound

## 1. Status Quo

§ 591-2.1.A No person shall emit or cause or permit the emission of sound from any electronic device...into any street or public place.

§ 591-4. No person shall emit or cause or permit the emission of sound resulting from the operation of any electronic device:

Residential:

11:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Sundays and statutory holidays.

Quiet Zone:

At all times.

## 2. Time Constraints

1. No person shall emit or cause or permit amplified sound that is clearly audible at a point of reception, during the prohibited period of:

11:00 p.m. one day to 8:00 a.m. the next day, 9:30 a.m. Sundays and statutory holidays.

## 3. Decibel Limits

1. No person shall emit or cause or permit amplified sounds if when measured with an approved sound level meter for ten minutes at a point of reception, the sound level, expressed in terms of Equivalent Sound Level ( $L_{eq}$ ), exceeds the following:

Night time (11:00p.m. – 8:00 a.m.)  
45 dB(A) and 60 dB(C), indoors  
50 dB(A) and 65 dB(C), outdoors

Day time (8:00 a.m. – 11:00p.m.)  
50 dB(A) and 65 dB(C), indoors and outdoors

2. Where the ambient sound level, at a point of reception exceeds the applicable maximum sound level established in subsection (1), the sound level of amplified sound should not exceed the ambient sound level.

# 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 amplified sound.</li></ul>	<ul style="list-style-type: none"><li>Confusing for the public &amp; industry as the regulations are logically inconsistent.</li></ul>
Reduces Impact on Residents	<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 promote music, and vibrancy in City life.</li></ul>
Reasonable	<input type="checkbox"/>	<ul style="list-style-type: none"><li>May not require a complainant, if noise is emanating from a licensed establishment.</li></ul>	<ul style="list-style-type: none"><li>Contradicts Toronto as a “Music City.”</li></ul>
Enforceable	<input checked="" type="checkbox"/>		<ul style="list-style-type: none"><li>Prosecuting is more difficult in the absence of a complainant.</li></ul>
Administratively Feasible	<input checked="" type="checkbox"/>		<ul style="list-style-type: none"><li>Relies on the subjectivity of the complaint.</li></ul>
Objective	<input checked="" type="checkbox"/>		

# Proposal 2 – Time Constraints

Criteria		Benefits	Drawbacks
Jurisdiction/Legal Authority	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"><li>Protects residents from noise related to amplified sound.</li></ul>	<ul style="list-style-type: none"><li>Does not promote music, and vibrancy in City life.</li></ul>
Reduces Impact on Residents	<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>Contradicts Toronto as a “Music City.”</li></ul>
Reasonable	<input type="checkbox"/>	<ul style="list-style-type: none"><li>With a complainant, prosecuting is more successful.</li></ul>	<ul style="list-style-type: none"><li>Prosecuting is more difficult in the absence of a complainant.</li></ul>
Enforceable	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"><li>Easier to comply with, as there is only one regulation.</li></ul>	<ul style="list-style-type: none"><li>Relies on the subjectivity of the complaint.</li></ul>
Administratively Feasible	<input checked="" type="checkbox"/>		
Objective	<input checked="" type="checkbox"/>		

# Proposal 3 – Decibels

Criteria		Benefits	Drawbacks
Jurisdiction/Legal Authority	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"><li>Protects residents from noise related to amplified sound.</li></ul>	<ul style="list-style-type: none"><li>Requires on-site investigation of noise complaints; therefore, will require a different enforcement method.</li></ul>
Reduces Impact on Residents	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"><li>Provides objective measurements to ensure compliance.</li></ul>	
Reasonable	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"><li>Allows industry to monitor and comply more easily.</li></ul>	<ul style="list-style-type: none"><li>Requires additional training for MSOs related to taking measurements.</li></ul>
Enforceable	<input type="checkbox"/>	<ul style="list-style-type: none"><li>Easier to comply with, as there is only one regulation.</li></ul>	
Administratively Feasible	<input type="checkbox"/>	<ul style="list-style-type: none"><li>With a complainant, prosecuting is more successful.</li></ul>	
Objective	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"><li>Promotes vibrancy and music in Toronto.</li></ul>	

# 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

## 5. No Exemptions

Updated status quo provisions

+

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