



## **Staff Report for Council Meeting**

**Date of Meeting:** June 24, 2020

**Report Number:** SRCS.20.17

**Department:** Community Services  
**Division:** Community Standards

**Subject:** SRCS.20.17 – Noise By-law

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### **Purpose:**

To repeal the existing Noise By-law and replace it with a new Noise By-law.

### **Recommendation(s):**

- a) That staff report SRCS.20.17 be received;
- b) That the existing Noise By-law No. 159-82, as amended (being Chapter 1055 of the City of Richmond Hill Municipal Code), be repealed and that the Noise By-Law No. 43-20 attached as Attachment 1 to SRCS.20.17 be enacted.
- c) That By-law No. 57-20 attached as Attachment 2 to SRCS.20.17 be enacted to amend Schedule 'A' of the Administrative Penalties By-law No. 69-16, as amended, to include designated Noise By-law offences.

### **Contact Person:**

Tracey Steele, Director of Community Standards, extension 2476

Chris Goode, Community Standards Policy Officer, extension 2416

### **Report Approval:**

**Submitted by:** Darlene Joslin, Acting Commissioner of Community Services

**Approved by:** Mary-Anne Dempster, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner and City Manager. Details of the reports approval are attached.

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### Background:

In response to Council direction, staff initiated a comprehensive review of the City's Noise By-law No.159-82 (Municipal Code Chapter 1055) in 2018. In December of 2019, staff reported to Council (via staff report SRCS.19.29) with a summary of benchmarking, public consultations and technical research conducted as part of a comprehensive noise by-law review, and key directions for a new noise by-law. Council approved the recommendations of SRCS.19.29 directing that staff report back before 2020 summer recess with a new Noise By-law that:

- incorporates quantitative regulations (e.g., prohibits noise levels using decibel measurements);
- sets standards based on more generalized classifications of noise;
- includes updated exemptions and an updated process for approval of Noise By-law exemptions;
- clarifies the applicability of regulations to amplified sound heard inside residential dwellings;
- eliminates use of “Quiet Zones” but continues to focus protection on residential areas;
- adjusts timing restrictions for some noise types;
- does not include idling regulations as idling will be addressed in a stand-alone by-law (see accompanying report SRCS.20.16) and,
- incorporates offences into the Administrative Monetary Penalty System (“AMPS”).

### Discussion

A proposed new Noise By-law is attached to this report as Attachment 1. The proposed by-law is consistent with the Council direction resulting from SRCS.19.29 (see list above). Key elements of the recommended new Noise By-law are further detailed as follows:

1. Use of quantitative regulations (i.e., decibel measurements) for noise generated from sources such as construction, air conditioning units, and sound amplification systems. The use of quantitative assessments limits the use of the “clearly audible” qualitative measurement for these specific sound types simplifying enforcement and making the determination of infractions less subjective.
2. A more stream-lined and structured framework for Noise By-law exemptions which includes automatic exemptions for City-run and City-sanctioned events and a one-window approach to activities such as filming and infrastructure construction activities that require other types of permits.
3. Adjusted time restrictions for the following sound types:
  - a. The permissible time for lawn maintenance noise will be extended from 7 a.m. to 7 p.m., to be 7 a.m. to 9 p.m.;

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- b. The permissible time for construction noise will be 6 a.m. to 10 p.m., 7 days a week, consistent with the provincial order (Ontario Regulation 131/20) that is currently in effect;
  - c. Amplified sound (i.e., music) will be permitted from 8 a.m. to 10 p.m. within a set decibel limit. This is changed from the existing prohibition against sound levels that are “clearly audible” at a point of reception on a neighbour’s property at anytime.
  - d. Air conditioning units, heat pumps, and pool filters will be included in the new by-law with a maximum allowable sound level of 50 decibels.
  - e. Domestic tools used for private renovations will be permitted until 9 p.m. (this is an extension from the current allowable time until 7 p.m.).
  - f. Loading and unloading activities (including deliveries and dumpster emptying) will be permitted until 9 p.m. (this is an extension from the current allowable time to 7 p.m.).
  - g. A new regulation addressing noise coming from the repair of motor vehicles after 9 p.m.
  - h. A more inclusive prohibition against unnecessary noise coming from motor vehicles on private property including tire squealing, and the revving of engines.
4. Clarification of the applicability of noise regulations to residential areas (previously there was debate regarding whether the restrictions apply to industrial and commercial areas which are regulated by the province).

In order to incorporate Noise By-law offences into the Administrative Monetary Penalty System (“AMPS”), it is also necessary to amend Schedule “A of the Administrative Penalty By-law No. 69-16 to include designated offences. The recommended amendment to Schedule ‘A’ of By-law 69-16 is attached staff report SRCS.20.17 as Attachment 2.

## Enforcement

The City’s approach to the enforcement of noise is also undergoing review and update. Changes to improve effectiveness and operational efficiency are being implemented on an ongoing basis. This includes improved coordination with 2 Division of York Regional Police, as well as changes to the City website to help direct complaints appropriately. Additionally, a new after-hours noise complaint line has been established to facilitate more timely investigation of noise complaints after hours. Noise training and the new by-law will also facilitate use quantitative measurements to help settle disputes between neighbours and realize voluntary compliance. Enforcement will continue to be improved with implementation of the new by-law, particularly through the use of AMPS.

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### **Financial/Staffing/Other Implications:**

The proposed new Noise By-law is expected to have a positive impact on staff workloads by providing a framework for more efficient enforcement.

Incorporation of noise offences into AMPS is expected to generate \$2,000 to \$5,000 per year in AMPS fines and administrative fees.

### **Relationship to the Strategic Plan:**

Establishing community standards for noise levels is consistent with the Strategic Plan goal of “A More Vibrant Richmond Hill,” and the associated strategy of “creating a sense of identity and place through maintaining a clean and safe community through education, community involvement and enforcement.”

### **Conclusion:**

In 2015, Council directed Staff to undertake a comprehensive review of the Noise By-law with the specific goals of improving enforcement effectiveness and improving the process for approval of noise exemptions.

In December of 2019 Council considered staff report SRCS.19.29 which summarized research conducted as part of a comprehensive noise by-law review and presented key directions for a new noise by-law.

The recommended new Noise By-law (Attachment 1) includes quantitative regulations, an updated framework for by-law exemptions, adjusted time limits and restrictions for certain types of noise, and an improved framework for complaint-based enforcement through AMPS.

### **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call the contact person listed in this document.

- Attachment 1 – Proposed new Noise By-law No. 43-20
- Attachment 2 – Draft By-law No. 57-20 to amend Schedule ‘A’ of the Administrative Penalties By-law No. 69-16 to include designated Noise By-law offences

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### Report Approval Details

Document Title:	SRCS.20.17 Noise By-law.docx
Attachments:	- Att 1 - Noise By-law 43-20.docx - Att 2 - AMPS By-law 57-20.docx
Final Approval Date:	Jun 11, 2020

This report and all of its attachments were approved and signed as outlined below:

**Tracey Steele - Jun 10, 2020 - 3:07 PM**

**Darlene Joslin - Jun 10, 2020 - 3:25 PM**

**MaryAnne Dempster - Jun 11, 2020 - 6:58 PM**