



## **Staff Report for Committee of the Whole Meeting**

**Date of Meeting:** December 4, 2019

**Report Number:** SRCS.19.29

**Department:** Community Services

**Division:** Community Standards

**Subject:** Noise By-law Review: Update

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### **Purpose:**

This report provides an update on the comprehensive review of Richmond Hill's Noise By-law No. 159-89, as amended (Municipal Code Chapter 1055).

### **Recommendations:**

- a) That Staff Report SRCS.19.29 be received and that all comments on the key directions for the new noise by-law be referred back to staff;
- b) That staff report back to Council before 2020 summer recess with:
  - i. a new Noise By-law based on the key directions outlined in Staff Report SRCS.19.29 and any comments received;
  - ii. an Anti-Idling By-law; and,
  - iii. amendments to the Administrative Penalty By-law No. 69-16 to incorporate Noise By-law and Anti-Idling By-law offences into the Administrative Monetary Penalty System.

### **Contact Person:**

Tracey Steele, Director of Community Standards, Extension 2476

Chris Goode, By-law Policy Officer, Extension 2416

### **Report Approval:**

**Submitted by:** Ilmar Simanovskis, Commissioner of Community Services

**Approved by:** Neil Garbe, 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:

Sound is a natural part of our surroundings and is part of a vibrant community; however, when sounds are unwanted or too loud they are considered to be noise. Municipalities have traditionally played an important role in the regulation of noise through the administration and enforcement of noise by-laws. Noise By-laws establish acceptable community standards for a vast array of different noise types and help to balance competing community interests and opinions about acceptable sound levels.

The City's current Noise By-law No. 159-82 (Municipal Code Chapter 1055), was enacted in 1982 based on a template by-law that was produced by the Ontario Ministry of the Environment (MOE) in 1978. Based on the template, Richmond Hill's Noise By-law has the following components:

- Prohibitions – The By-law includes general prohibitions for vehicular noise and time and place prohibitions for specific noise types. The vehicular regulations include idling restrictions and the time and place regulations prohibit “clearly audible” noise at “points of reception” on neighbouring residential properties.
- Exemptions – The By-law provides exemptions for public safety and emergency purposes, as well as for specific festive events (including Santa Claus and Remembrance Day Parades, Winter Carnival and Concerts in the Park). It also authorizes the Commissioner of Community Services to grant exemptions from the by-law with respect to any source of sound, subject to conditions he sees fit, provided the exemption period does not exceed 6 months.
- Enforcement – Every person who contravenes any of the provisions of the Noise By-law is guilty of an offence and upon conviction liable to a fine or penalty pursuant to the Provincial Offences Act R.S.O. 1990, c. P.33.

Since its enactment, the City's Noise By-law has been subject only to minor housekeeping amendments (for example, in 2008 “Municipal Law Enforcement Officer” was changed to “Municipal By-law Enforcement Officer”) and has never been comprehensively reviewed.

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. The complete Council Motion is appended to this report as Attachment 1.

### By-law Review

Staff initiated a comprehensive review of the Noise By-law in late 2018. This work involved:

- review of statistics related to noise complaints and enforcement,
- municipal benchmarking and best practice research,
- discussion with staff across various City departments to identify issues and potential improvements to the by-law,
- a web-based public survey to understand preferred community standards,

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- information booths at City events to solicit public input on specific noise standards, and
- Noise Control By-Law certification training for staff of the Community Standards Division.

### By-law Case Statistics

Tables 1 and 2 describe the number and type of Noise By-law cases initiated, and Noise By-law exemptions issued, over the past 4 years.

Table 1. Noise By-law cases initiated annually by noise type

Noise Case Type	# of By-law Cases			
	2016	2017	2018	2019*
Construction	80	65	42	31
Dog Barking	87	67	103	54
Music/Parties	35	31	36	45
Loading/Unloading, Deliveries or Garbage Pick-up	11	7	15	15
Domestic tools (example, generators, AC units)	8	11	13	17
Cars (example, mufflers, idling)	8	12	3	8
Lawn Maintenance	5	9	6	6
Other (example car wash, exhaust fans)	13	10	10	14
Total	247	212	228	190

Table 2. Noise By-law exemptions issued annually by type

Noise Exemption Type	# Exemptions Issued			
	2016	2017	2018	2019*
Construction (example, after hours)	17	8	18	12
Large Events (example, festivals, parades)	28	31	31	36
Filming (example, loading/unloading)	0	6	19	6
Private Events (example, weddings, birthday parties)	5	11	7	18
Total	50	56	78	74

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### **Municipal Benchmarking and Best Practices**

A detailed review of in-force by-laws in select Greater Toronto Area (GTA) municipalities was undertaken in combination with a best practice scan of noise by-laws in large municipalities across Canada.

The noise by-laws currently in effect across Ontario municipalities reflect an evolution in the development of municipal noise regulation. The early by-laws, like Richmond Hill's, set qualitative standards based on a template by-law that was crafted, distributed and recommended by the Ministry of the Environment (MOE). Noise By-laws enacted and amended by Ontario municipalities in the early 2000's tended to incorporate some quantitative limits using direct references to provincial Noise Pollution Control (NPC) technical guidelines. The next phase of by-laws are even more technical as municipalities attempted to address specific noise types that were not dealt with in the NPCs. Finally, the most recent trend in noise by-law development is to use a qualitative general prohibition that applies to all noise types in combination with a more simplified, and easier to understand, application of decibel limits.

A summary of select components of noise by-laws in GTA communities is included as Attachment 2 to this report.

### **Community Consultation**

An online public survey was conducted from January 3 to February 4, 2019 to obtain feedback from Richmond Hill residents in relation to noise regulation. The survey was advertised on the City website, on the Bulletin Board pages of the Liberal, and through Facebook, and received 733 responses from the public. Results of the survey included the following:

- 59 percent of survey respondents indicated that the current noise level in Richmond Hill is acceptable, but 84% believe more should be done to restrict excessive noise
- 77 percent of respondents feel the City should address noise both inside buildings and outdoors
- 84 percent of survey respondents believe the City should provide noise exemptions for charity events and parades, and 57% supported exemptions for community events such as festivals
- 64 percent of respondents were unaware that the City has a noise exemption process
- 76 percent of respondents indicated that use of music/speakers outdoors in residential areas should be permitted until at least 9 pm.
- 83 percent of respondents indicated that lawn mowers should be permitted until 9 pm Monday to Saturday, and 67% indicated that leaf blower use should be restricted to certain hours of the day.
- 51 percent of respondents believe construction noise is most acceptable between 7 am and 7 pm
- The 3 types of noise that bother people the most are motorcycles, noise from residences (music/parties), and garden equipment (example, lawn mowers)

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Information booths at the annual Public Works Week and Canada Day events were set up to solicit additional input from residents on specific noise standards. The information booths received responses from more than 150 participants, as follows:

- 92 percent of participants believe idling to be an environmental issue rather than a noise issue
- 81 percent of participants indicated that cars should idle for no more than 3 minutes
- 60 percent of participants believe that outdoor music in a residential area should be turned off before 10pm.

### **Noise Training**

Staff recently received Noise Control Certification Training from independent acoustics engineers specializing in the provision of technical advice and noise measurement training for Ontario municipalities. The course provided staff with knowledge essential to informed drafting and implementation of a new noise by-law. As the City's current by-law is completely based on qualitative regulations, it was essential for staff to be trained with regard to the application of decibels, how to use decibel measurement equipment and take appropriate decibel measurements, approaches to noise mitigation, and the role of provincial agencies and guidelines in noise regulation.

### **Key Directions for New Noise By-law**

Based on the research conducted to date, as summarized above, it is recommended that Richmond Hill's new noise by-law be drafted based on the following key directions:

1. Use quantitative regulations – The current Richmond Hill Noise By-law prohibits specific noise types based on the qualitative measure of "clearly audible." Use of this qualitative standard is an accepted practice that has been upheld in Ontario Courts. This qualitative standard will continue to be used, but such use will be augmented by application of quantitative decibel limits for some sound types including amplified sound, and equipment such as air conditioners and pool pumps.
2. Set standards based on more generalized classification of noise types – The new by-law will set standards based on more general noise categories. This will help to simplify complex technical requirements to make the by-law clearer for the public, while also capturing a wider variety of noise types.
3. Update the exemptions and exemption approval process – It is proposed that the new by-law will provide automatic exemptions for City-run and City-sanctioned special events, as well as filming and fireworks activities for which permits have been issued. Expanded exemptions for emergency work, specific public works operations, and work required to ensure public safety will also be incorporated. The new by-law will include delegated authority for staff to issue exemptions within a more structured framework.
4. Clarify the applicability of regulations to building interiors – The new by-law will include decibel-based standards for amplified sound interior to residential dwellings.

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5. Eliminate use of “Quiet Zones” but continue to focus protection on residential area – The current by-law designates “Quiet Zones” and establishes different prohibitions to these areas. This is a dated approach to noise regulation that is not useful in current suburban and urban contexts. The current applicability of the by-law to points of reception in residential areas will be continued.
6. Adjust timing restrictions for some noise types – Richmond Hill’s in force Noise By-law prohibits most noise types at levels that can be heard on adjacent properties after 7 pm on weekdays and at all times on Sundays and statutory holidays. It is proposed that the new by-law will allow some noise types until later times. For example, lawn maintenance activities will be permitted until 9 pm on weekdays and amplified music will be permitted until 10 pm. The new recommended permissions are predominantly based on feedback from residents received through the online survey.
7. Remove idling regulations from the Noise By-law and create a separate Anti-Idling By-law – The vehicle prohibitions of the current Noise By-law establish a 5 minute idling maximum with some exceptions. It is proposed that idling be addressed in a stand-alone “Anti-Idling By-law” that will restrict idling to a maximum of 3 minutes within a sixty minute period. A separate Anti-Idling By-law will provide for better community understanding and will be an important component of the Richmond Hill’s efforts to address climate change consistent with the City’s Environment Strategy.
8. Incorporate Noise By-law offences into the Administrative Monetary Penalty System (AMPS) – Consistent with February 11, 2019 Council direction to continue expansion of AMPS to community standards by-laws (SRCS.19.01) it is recommended that Noise By-law and Anti-Idling By-law offences be incorporated into AMPS. In this regard it will be necessary to include appropriate clauses in the noise and anti-idling by-laws and for Schedule A of the Administrative Penalty By-law No. 69-16 to be amended accordingly.

## 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 has also made it possible to 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.

## Financial/Staffing/Other Implications:

As the recommended new Noise By-law will include decibel-based regulations it is necessary for Enforcement Officers and Supervisors to be trained in quantitative noise measurement. In 2019, 7 staff received required training in order to facilitate effective

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by-law review. This training was accommodated through existing training budgets and it is expected that training for additional officers can be accommodated in a similar fashion in the future or by trained staff providing in-house training to other officers.

### **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:**

The current Noise By-law No. 159-82, as amended (Municipal Code Chapter 1055) was enacted in 1982 and has been subject only to minor amendments since that time. In 2015 Council passed a motion directing staff to review the by-law and staff initiated the review in late 2018. As a result of the research done to date, it is recommended that the existing by-law be repealed and replaced with a new Noise By-law which sets quantitative regulations, uses a modern generalized classification of noise types to set prohibitions, includes updated exemptions, and clearly applies to building interiors. It is proposed that the new Noise By-law be accompanied by a stand-alone Anti-Idling By-law, as well as amendments to incorporate offences into the City’s Administrative Monetary Penalty System.

### **Attachments:**

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

- Attachment 1 – January 19, 2015 Council Motion regarding a comprehensive review of the Noise By-law
- Attachment 2 – Summary of select components of noise by-laws in GTA municipalities

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### Report Approval Details

Document Title:	SRCS.19.29 Noise By-law Review Update.docx
Attachments:	- SRCS.19.29 Attachment 1 - Jan26-2015 Council Motion.pdf - SRCS-19-29 Attachment 2 Noise Benchmarking.docx
Final Approval Date:	Nov 25, 2019

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

**Ilmar Simanovskis - Nov 25, 2019 - 8:48 AM**

**Neil Garbe - Nov 25, 2019 - 9:12 AM**