



Staff Report for Council Meeting

Date of Meeting: November 24, 2021

Report Number: SRCS.21.17

Department: Community Services
Division: Community Standards

Subject: Noise By-law Amendment

Purpose:

To report back to Council as directed, to amend the Noise By-law No. 43-20 following the revocation of the provincial pandemic-related regulations affecting municipal powers to regulate noise.

Recommendations:

- a) That Staff Report SRCS.21.17 be received.
- b) That By-law No. 148-21 (Attachment 1 to Staff Report SRCS.21.17) be enacted to amend the Noise By-law No. 43-20 (Municipal Code Chapter 1055).
- c) That By-law No. 149-21 (Attachment 2 to Staff Report SRCS.21.17) be enacted to amend Schedule 'A' of the Administrative Penalties By-law No. 69-16.

Contact Person:

Tracey Steele, Director of Community Standards, Extension 2476

Dolly Anand, Manager of Policy and Licensing, Extension 6572

Report Approval:

Submitted by: Darlene Joslin, 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 spring of 2020, in response to circumstances associated with the COVID-19 pandemic, the Province of Ontario passed two regulations limiting municipal powers to regulate noise. Ontario Regulation 70/20 (O. Reg. 70/20) temporarily suspended municipal power to regulate noise made in connection with the delivery of goods, and Ontario Regulation 131/20 (O. Reg. 131/20) temporarily suspended municipal power to prohibit and regulate noise made in connection with construction.

On June 24, 2020, Council enacted a new Noise By-law for the City of Richmond Hill (By-law No. 43-20, Municipal Code Chapter 1055, the “Noise By-law”). However, because O. Reg. 70/20 and O. Reg. 131 /20 were in effect at the time, the new Noise By-law could not fully incorporate construction and delivery noise requirements. As a result, Council directed staff to bring forward an amendment to the Noise By-law as soon as possible after the temporary pandemic-related restrictions were lifted by the Province.

On September 19, 2021, the Province amended the Municipal Act via Bill 215 (the “Main Street Recovery Act”), which re-instated municipal authority to regulate delivery noise, with the exception of delivery noise associated with retail businesses, restaurants, hotels and motels or goods distribution. On October 7, 2021, O. Reg. 131/20 expired reinstating power to municipalities to regulate construction noise.

Discussion

Given the Province’s revocation of pandemic-related noise regulations and staff experience implementing the Noise By-law over the past year, it is recommended that the following amendments to the Noise By-law (summarized in Amending By-law No. 148-21; Attachment 1), be approved:

1. Re-instate construction noise limits that were in effect prior to the Provincial COVID-related regulations

The proposed amendment will limit construction noise to the hours of 7 a.m. and 7 p.m. Monday to Saturday, and prohibit construction noise on Sundays and statutory holidays, consistent with the construction noise rules that were in effect in Richmond Hill prior to the Provincial COVID-related regulation.

2. Implement legislated exemption for specific delivery types

The proposed amendment will align the Noise By-law with the revisions to the Municipal Act by exempting delivery noise associated with retail businesses, restaurants, hotels and motels or goods distribution, while prohibiting other types of loading and unloading noise between 9 p.m. and 7 a.m. and on Sundays and statutory holidays.

3. Adjust the air conditioner prohibition to better account for ambient sound and improve monitoring efficiency

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The proposed amendment adjusts the maximum allowable sound limit for air conditioners and other similar mechanical devices to be the greater of either 50 dB(A) or ambient sound level plus 5 dB(A). Providing an alternative sound level limit for sites with significant ambient sound will realize increased flexibility for locating air conditioner units while maintaining consistency with provincial guidelines. Further, the proposed amendment will eliminate the requirement for a 1 hour average to determine the maximum sound level. The removal of the measurement time will make monitoring more efficient and less intrusive for residents, while not affecting the accuracy of the sound reading taken.

4. Administrative correction to the definition of Stationary Source

The proposed by-law amendment contains an administrative correction to the definition of Stationary Source.

In order to align the Administrative Monetary Penalty System with the above Noise By-law changes it is also necessary to amend Schedule “A” of the Administrative Penalty By-law No. 69-16. The recommended amendment to Schedule “A” of By-law No. 69-16 is attached to staff report SRCS.21.17 as Attachment 2.

Financial/Staffing/Other Implications:

There are no financial or staffing implications associated with this report.

Relationship to Council’s Strategic Priorities 2020-2022:

Regulation of noise is consistent with the Strategic Priority of “Strong Sense of Belonging” as it helps to create communities that are equitable and harmonious.

Climate Change Considerations:

Climate change considerations are not applicable to this staff report.

Conclusion:

In 2020, in response to circumstances associated with the COVID-19 pandemic, the Province of Ontario passed Regulations 131/20 and 70/20 limiting municipal power to regulate noise associated with construction and deliveries. On June 24, 2020, Council enacted Noise By-law No. 43-20 to regulate and mitigate noise within the City. The province has now revoked the pandemic-related noise regulations, thereby restoring municipal power to regulate construction noise and re-instating some municipal authority to regulate delivery noise.

Approval of By-law No. 148-21 to amend the Noise By-law (Attachment 1) and the associated amendment to the Administrative Penalties By-law (amending By-law No. 149-21; Attachment 2) will address provincial changes, re-instate construction and delivery noise rules specific to Richmond Hill, and make air conditioner regulations more

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fair and efficient. Communication and awareness of the approved by-law and resulting changes will be promoted through public service announcements and social media.

Attachments:

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

- By-law No. 148-21 – Amendment to the Noise By-law No. 43-20 (Municipal Code Chapter 1055)
- By-law No. 149-21 – Amendment to Schedule “A” of the Administrative Penalty By-law No. 69-16

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Report Approval Details

Document Title:	SRCS.21.17 Noise By-law Amendment Report.docx
Attachments:	- By-law No. 148-21 - Noise By-law Amendment .docx - By-law No. 149-21 - AMPS By-law Amendment (Noise).docx
Final Approval Date:	Nov 10, 2021

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

Tracey Steele - Nov 10, 2021 - 12:25 PM

Darlene Joslin - Nov 10, 2021 - 12:30 PM

MaryAnne Dempster - Nov 10, 2021 - 3:52 PM