

ONTARIO MODEL MUNICIPAL NOISE CONTROL BY-LAW

Last Fall, the Ontario Minister of the Environment announced the preparation of a Model Municipal Noise Control By-Law which would permit municipalities to meet their expressed wishes to control local noise. Because authority under The Ontario Municipal Act limited the scope of noise control by-laws that municipalities could enact, he introduced an amendment to The Environmental Protection Act which will permit municipalities to adopt appropriate noise control measures. The Bill has received Royal Assent and a Model Municipal Noise Control By-Law has been drafted for review by, and discussion with, municipalities.

Within the Ministry, the technical responsibility in acoustics lies within the Noise Pollution Control Section of the Pollution Control Branch and it was this Section, in co-operation with the Legal Branch, that developed the working draft. The By-Law is the result of considerable investigation and study involving review of existing legislation and administrative arrangements at municipal and provincial (state) levels, investigation of complaints, examination of fundamental research and consideration of ambient noise standards and prevailing noise conditions, all within a practicable framework.

It is intended that the Model By-Law meet the requirements of municipalities of all sizes, provide comprehensive control for most known sound and vibration problems, permit flexibility to meet local needs and resources and provide a unifying base for noise control across the Province.

Workshops have been arranged for each Region to provide an opportunity for municipal officials and representatives to meet with Ministry representatives to discuss the implications, scope and details of the By-Law. Following the workshops, the By-Law will be appropriately amended and circulated. The Ministry is prepared to assist municipalities in the adoption and implementation of the By-Law with particular reference to technical training in acoustic measurements and enforcement procedures.

The By-Law consists of four parts supported by technical appendices.

- Part I Provides technical definitions for the terms used in the by-law.
- Part II Deals with the appointment, certification, duties and authority of the Noise Control Officer and his relation to the municipal corporation.
- Part III Includes the prohibition and penalty provisions and provides details of what constitutes an "acoustic intrusion" in terms of a wide variety of sound sources and thereby sets limits in terms of noise levels.
- Part IV Deals with exemptions.

Appendices: The supporting material identifies Ministry publications which will constitute technical references for the by-law, schedules and tables. Updating of this material according to need and "state of the art" automatically updates every by-law of each Municipality using the powers provided under the Act.

A summary of the pertinent functions of the Ontario Model Municipal Noise Control By-Law follows:

- 1) The By-Law will permit a Municipal Council to exercise broad environmental noise control at the local level under the powers granted by The Environmental Protection Amendment Act, 1974.
- 2) Provision is made for the appointment of a municipal noise control officer for enforcement of the by-law.
- 3) The noise control officer may be assigned the following duties and authorities with respect to controlling noise:
 - a) conduct studies, research and monitoring of noise levels,
 - b) educate the public in abatement measures,
 - c) co-ordinate the activities of all municipal employees,
 - d) develop procedures to provide effective enforcement of the by-law,
 - e) provide Council with such advice as it requires,
 - f) develop a traffic map and noise zone map of the community,
 - g) develop land use criteria,
 - h) supervise municipal purchasing with regard to noise.
- 4) More sophisticated powers that may be assigned to the municipal noise control officer at the option of the Council are:
 - i) authority to approve the acoustic properties of all new buildings and projects which may emit noise,
 - j) review land use proposals,
 - k) assess the noise insulation properties of all new construction,
 - l) control the occupation of new premises.
- 5) The by-law specifically prohibits or curtails some noise source activities in sensitive areas of the community at certain times of the day. Sources of acoustic intrusions that are suggested for control in this way include:

all auditory signalling devices, loud speakers, street selling by outcry, loading and delivery, construction, discharge of firearms, use of explosives, animal noises, idling rail equipment on private property, car washes, all-terrain vehicles, people noises, parties, gatherings, power tools, venting of high pressure gases.
- 6) The by-law prohibits outright acoustic intrusions emanating from:

tire squeal, braking noises, faulty mufflers, racing vehicles, miscellaneous vehicle noises, unwarranted idling.
- 7) Acoustic intrusions from the following sources are limited by noise level, and/or time of day and municipal zone:

air conditioners - domestic and commercial, power mowers and power tools, motorized conveyances, blasting and vibration, industrial and commercial noises.
- 8) The by-law fixes the maximum noise levels permitted in residential areas on the basis of the equivalent constant energy level. This dBA level takes into account periodic noise fluctuation that may cause annoyance.
- 9) Under the by-law, the Council may exempt any person from prosecution for many of the provisions for a period up to six months.
- 10) In relation to the Ministry, the by-law provides for:
 - a) approval of the by-law or individual articles by the Minister,
 - b) certification of the noise control officer by the Ministry,

- c) reporting on the program every three years to the Ministry,
- d) application of procedures and standards set out in publications of the Ministry and designated as suitable for the purposes of the by-law.

Editor's Note

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