

City of Toronto Noise By-law Review and Amendment

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Introduction

By-law 44-75, Respecting Noises (the Noise By-law) was passed by Toronto City Council on February 20, 1975 for the purpose of controlling unnecessary or unreasonable noise. It was designed to eliminate noise at its source essentially by controlling noisy activities.

As a result of almost 20 years of By-law enforcement, it was recognized that the By-law needed to be updated to conform with current community standards, changes in land uses and enforcement realities. Valcoustics Canada Ltd. and Jade Acoustics Inc. were retained to assist in the review in order to deal with new sources, clarify wording and identify technical "loopholes" where found and also provide information on the experience and practice of other similar municipal jurisdictions.

During the consultation process, it became apparent that more would be gained by looking at the issues dealt with during the course of enforcing the By-law in addition to the wording of specific clauses.

Loud Music

Of an average of 1300 complaints registered per year at the Noise Control Branch, approximately 35% are from loudspeakers, music etc. usually late at night from entertainment establishments. The sporadic or unpredictable nature of these sources of noise usually require that the Metro Police enforce the By-law. This poses a problem because noise is not considered a priority and therefore the response time is not ideal. In order to improve enforcement procedures a 24 hour answering service is proposed so that callers can be advised of the best course of action depending on their complaint. Other measures being considered are for improvements with licensing in the case of entertainment establishments which would require the installation and maintenance of acoustical insulation so that music is contained within the premises. This could be a condition of a business and/or liquor license.

Source Equipment

This type of equipment includes air conditioners, heat pumps, ventilation fans, garage door openers etc. Approximately one quarter of all complaints are due to this type of equipment, primarily during warmer weather. Usually equipment requires servicing or minor alterations in order to bring about compliance.

The proposed revision to the By-law is to allow an increase of up 5 dBA over the ambient from the previous 2 dBA, to reflect the actual experience in the field. The feasibility of requiring permits to install air conditioning devices was reviewed and it was determined that an additional level of bureaucracy would be created which may discourage applicants, thereby defeating the purpose; aside from the added administrative burden and cost to the City. Educating installers/suppliers in proper installation techniques would better serve this function.

Construction Noise

Construction is an inherently noisy activity and is primarily controlled by restrictions on times and in some cases equipment types. Generally, complaints are due to noise prior to 8:00 a.m. or after 9:00 p.m. on weekdays or at any time on weekends, especially Sunday. In other cases renovation projects involving heavy jackhammering, causes most concerns for people who are at home during the day. Whenever possible, contractors are requested to use the least disruptive equipment available, especially in densely populated or other sensitive areas such as hospitals and hotels.

For some construction activities there is flexibility in the enforcement of the By-law. For example, some after-hours construction can take place provided nearby residents are informed in advance. In other situations such as with concrete trowelling it is important to note that due to unforeseen circumstances, such as inclement weather, a concrete pour may take place and the power trowelling may carry on beyond the hours provided for in the By-law. In these situations electric trowels are required and where blower heaters are needed during night time hours acoustical barriers are required around the site. For the most part, the construction industry has made extra efforts in meeting the City's guidelines.

Powered Property Service Equipment

Equipment such as lawnmowers, leaf blowers, and chain saws are regulated according to hours of use. Gas powered leafblowers have become a particular concern primarily because of the unique tonal quality of the noise emission from these machines. Maximum permissible sound levels have been stipulated as of January, 1992 -70 dBA at a distance of 15 metres. The industry has been encouraged to follow U.S. guidelines established some years ago in California. With the proper use of this equipment as well as improvements in sound output levels, fewer complaints are expected.

Security Alarms

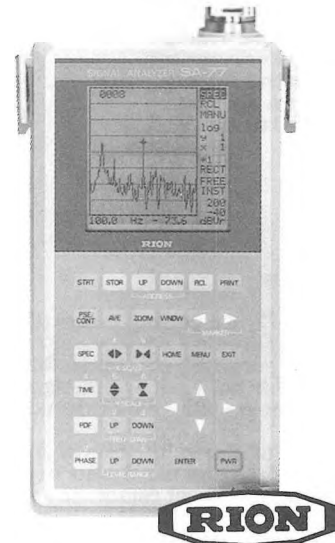
According to the Metropolitan Toronto Police, who are responsible for investigating alarms, approximately 95% of all security alarms are false. The difficulty in enforcement is in locating the owner of a building during sleeping hours. In order to deal with this problem from a more pro-active approach the Police instituted an Alarm Response Policy which, among other things, requires a permit for a security alarm. This has resulted in a substantial decrease in false alarms, presumably due to improved systems and installation. The Police have made a submission to the Provincial government to make requirements for licensing a legislated requirement. In addition a public education program is being developed to advise people of the City's Noise By-law requirements jointly with those of the Police.

Summary and Conclusions

Overall, substantial changes to the By-law have not been made as a result of the review. Sections have been re-grouped to make wording clearer and easier to interpret and enforce, particularly for Police Officers not trained in noise assessment.

A Noise By-law, no matter how comprehensive, will not eliminate noise in the City. It does provide a benchmark which describes what the City expects of its citizens. Often informing someone who is creating a disturbance is sufficient to obtain compliance. Where voluntary compliance is not forthcoming the By-law also serves as an effective tool for enforcement. In every possible instance noise disputes are mediated so that voluntary compliance is obtained at much less cost to the City.

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