

NOISE

Chapter 241

NOISE

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[HISTORY: Adopted by the Council of The Corporation of the City of Toronto: Art. I, 1993-10-12 as By-law No. 517-93, amended 1994-10-11 by By-law No. 1994-0777; Art. II, 1994-10-11 as By-law No. 1994-0773. Amendments noted where applicable.]

GENERAL REFERENCES

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Noise by animals — See Ch. 133.
Discharge of firearms — See Ch. 186.
Parks — See Ch. 255.

ARTICLE I Noise Restrictions Generally [Adopted 1993-10-12 as By-law No. 517-93; amended 1994-10-11 by By-law No. 1994-077⁷]

§ 241-1. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

AMBIENT SOUND LEVEL — The measured sound level without the sound contribution of the specific source in question, or any other prohibited sounds or sound not in compliance with this Article.

COMMISSIONER — The Commissioner of Public Works and the Environment.

dba — The sound level in decibels obtained when using a sound level meter with the A weighting.

HOLIDAY — Sunday, New Year's Day, Good Friday, Easter Monday, Christmas Day, the birthday or the day fixed by proclamation of the Governor General for the celebration of the birthday of the reigning Sovereign, Victoria Day, Canada Day, Simcoe Day, Labour Day, Remembrance Day, and any day appointed by proclamation of the Governor General or the Lieutenant Governor as a public holiday or for a general fast or thanksgiving, and when any holiday, except Remembrance Day, falls on a Sunday, the day next following is in lieu thereof a holiday.

L90 — In statistical terms, the sound level in dbA that is exceeded ninety per cent (90%) of the time.

MEASURED SOUND LEVEL — The sound level measured for the minimum time period using the specified acoustical descriptor and procedures in this Article and, unless otherwise specified, shall refer to the instantaneous sound level measured in dbA, on the fast or slow setting of a sound level meter.

POWERED PROPERTY SERVICE TOOL — Any powered device (exclusive of hand power) used in the servicing or maintenance of property.

Editor's Note: This Article was passed under the authority of section 9 of The City of Toronto Act, 1971, S.O. 1971, c. 130.

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PUBLIC SERVICE VEHICLE — A vehicle which is operated by or on behalf of any level of government for the protection of persons and property, including a Fire Department vehicle, Police Department vehicle or ambulance.

RESIDENTIAL POINT OF RECEPTION — A point of reception located in a dwelling unit, hospital, hotel or other type of residence.

REFUSE COMPACTING EQUIPMENT — A vehicle fitted in order to compact and transport refuse.

SOLID WASTE BULK LIFT EQUIPMENT — A vehicle designated to load, unload and transport containers for handling refuse.

SOUND — A vibration or an oscillation in pressure, stress, particle displacement, particle velocity or similar movement in a medium with internal forces such as elastic or viscous, or the superposition of these propagated oscillations.

SOUND LEVEL METER — A precision sound level meter meeting the specifications in IEC publication 179 or American National Standards Institute, Standard S1.4-1971.

SOURCE EQUIPMENT — Any stationary or built-in machinery that emits sound.

VEHICLE — A vehicle as defined in the Highway Traffic Act as well as a motorized snow vehicle.

§ 241-2. Disturbing noise prohibited.

- A. No person shall make, cause or permit noise which disturbs or may disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of the City.
- B. For the purposes of this Article, what is a noise which disturbs or may disturb the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants is a question of fact to be determined on the evidence by the Court hearing the proceeding in respect of an offence under this Article.

§ 241-3. Objectionable noises enumerated.

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Despite the generality of § 241-2A, the following are declared to be noises which in opinion of Council are objectionable or liable to disturb the peace, quiet, rest, enjoyment, comfort or convenience of the inhabitants and are prohibited, and no person shall make, cause or permit any of the following noises:

A. Loudspeakers, radios, stereos, televisions, etc.

The noise from or created by any radio receiving set, television receiving set, musical instrument, phonograph, loudspeaker or other machine or device for the producing or reproducing of sound, magnetically or electronically or otherwise, which:

- (1) Disturbs or is likely to disturb the peace, quiet, rest, enjoyment, comfort or convenience of persons in any office or residential point of reception, or of any persons in the vicinity;
- (2) May be audible at or beyond the lot line of the property from which the noise emanates at any time between the hours of 11:00 p.m. of one day and 7:30 a.m. of the following day; or
- (3) Projects noise or sound into any street or public place.

B. The operation of vehicles.

- (1) Unnecessary or unreasonable noise from or created by any permitted horn or signalling device on any vehicle, street car or public service vehicle on any street, public lane or private property at any time, including when stopped.
- (2) The noise caused by any vehicle so out of repair, so loaded, so secured or operated in a manner that creates disturbing and unnecessary grating, grinding, rattling or other noise.
- (3) The noise caused by the intake or exhaust of any machine, engine, vehicle or motorboat except through an effective muffler device.
- (4) Any excessive, unnecessary or avoidable noise in the operation of a street railway car or rapid transit vehicle.
- (5) Unnecessary noise caused by any audible signalling device attached to or used in connection with any building or vehicle, including a boat, unless the alarm automatically terminates its operation within ten (10) minutes of activation in the case of a building, boat or vehicle.

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- (6) The noise, other than for navigation purposes, from any radio, receiving set, musical instrument, phonograph or loudspeaker or other machine or device for the producing or reproducing of sound on any boat in the harbour area within five hundred (500) metres from shore between the hours of 11:00 p.m. of one day and 7:30 a.m. of the following day.
- (7) The noise in connection with the loading or unloading of any vehicle which is audible at a residential point of reception between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day unless the following day is a Sunday or a holiday, in which case the time shall be 9:00 a.m.
- (8) The noise in connection with the loading or unloading of any vehicle which is excessive, unnecessary or avoidable.

C. The operation of machinery or equipment.

- (1) Any noise from any excavation or construction work, including the erection, demolition, alteration or repair of any building which disturbs or is likely to disturb the peace, quiet, rest, enjoyment, comfort or convenience of persons in any office or residential point of reception, or of any persons in the vicinity, arising between the hours of 6:00 p.m. of one day and 7:00 a.m. of the following day, unless the following day is a Sunday or a holiday, in which case the time shall be 9:00 a.m.
- (2) The noise caused by the operation of a powered property service tool other than snow removal equipment, in the outside environment that is audible at any residential point of reception between the hours of 9:00 p.m. of one day and 7:30 a.m. of the following day, unless the following day is a Sunday or a holiday, in which case the time shall be 9:00 a.m.
- (3) The noise from the operation of solid waste bulk lift or refuse compacting equipment that is audible at any residential point of reception between the hours of 9:00 p.m. of one day and 7:00 a.m. of the following day, unless the following day is a Sunday or holiday, in which case the time shall be 9:00 a.m., except that this subsection shall not prevent the driving or moving of this equipment.
- (4) Sounds from any type or class of equipment set out in Schedule A which exceed the maximum permissible sound levels in the Schedule, when measured in dBA at the measurement distances contained there, which disturb or are likely to disturb the peace, quiet, rest, enjoyment, comfort or convenience of persons in any office or residential point of reception, or of any persons in the vicinity.

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**Schedule A
Sound Regulations Respecting Equipment**

Type of Equipment	Measurement Distance (metres)	Permissible Maximum Sound Level (dBA)
Air compressors		
70 litres per second	7	73
Leaf blowers	15	70
Pneumatic pavement breakers:		
36 kilograms, manufactured prior to 1981-01-01	7	92
27 kilograms, manufactured prior to 1981-01-01	7	90
All manufactured since 1981-01-01	7	86
Refuse compacting equipment	7	80
Heavy construction equipment (dozers, backhoes, mobile cranes, pile augers, trenchers):		
Greater than 75 kilowatts:		
Manufactured between 1979-01-01 and 1980-31-12	15	88
Manufactured 1981-01-01 and after	15	85
Less than 76 kilowatts:		
Manufactured between 1979-01-01 and 1980-31-12	15	85

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Manufactured 1981-01-01 and
after

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- (5) Sound caused by the operation of any source equipment for any duration which results in a L90 sound level two (2) dBA higher than the L90 of the ambient sound level.
- (6) The noise from any air conditioner rated at less than two thousand three hundred forty-three (2,343) watts [eight thousand (8,000) B.t.u. per hour] which is installed in any window or wall between the hours of 11:00 p.m. of one day and 7:30 a.m. of the following day that is disturbing or likely to disturb the peace, quiet, rest, enjoyment, comfort or convenience of persons in any office or residential point of reception, or of any persons in the vicinity. [**Amended 1995-06-26 by By-law No. 1995-0418**]

D. Other activities.

- (1) Yelling, shouting, hooting, whistling or singing at any time or place which disturbs or is likely to disturb the peace, quiet, rest, enjoyment, comfort or convenience of persons in any office or residential point of reception, or of any persons in the vicinity.
- (2) The shouting and crying of peddlers, hawkers and vendors which disturbs or is likely to disturb the peace, quiet, rest, enjoyment, comfort or convenience of persons in any office or residential point of reception, or of any persons in the vicinity.
- (3) Any noise made by any animal or bird kept as a pet, kept for sale, boarded or kept for experimental purposes or kept for the purpose of guarding any premises which disturbs or is likely to disturb the peace, quiet, rest, enjoyment, comfort or convenience of persons in any office or residential point of reception, or of any persons in the vicinity.
- (4) The noise caused by the operation in the outside environment of a model aircraft driven by an internal combustion engine of any description, or of any other model machine, toy or hobby equipment between the hours of 11:00 p.m. of one day and 7:30 a.m. of the following day, unless the following day is a Sunday or a holiday, in which case the time shall be 9:00 a.m.
- (5) The noise in connection with the opening and destruction of bales, boxes, crates and containers which is audible at a residential point of reception between the hours of 11:00 p.m. of one day and 7:00 a.m. of the following

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day, unless the following day is a Sunday or a holiday, in which case the time shall be 9:00 a.m.

- (6) The noise in connection with the opening and destruction of bales, boxes, crates and containers which is excessive, unnecessary or avoidable.

§ 241-4. Responsibilities of construction supervisors.

No person, including a firm, partnership or corporation, with direct or indirect authority over equipment or workers employed on any excavation or construction work shall permit the equipment or workers to cause or make any of the noises prohibited by this Article.

§ 241-5. Nonapplicability.

None of the provisions of this Article shall apply to:

- A. The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting, public celebration or other reasonable gathering, if a permit has first been obtained under § 241-6 of this Article;
- B. Any military or other band or any parade for which the person responsible for or in charge of it has:
 - (1) Obtained a parade permit from The Metropolitan Police Services Board; and
 - (2) Agreed to conform to any requirements made by The Municipality of Metropolitan Toronto Police Force regarding safety or by the Commissioner of Public Works and the Environment for the City of Toronto regarding volume of sound;
- C. Any case of public convenience or necessity;
- D. Any sound arising between the hours of 7:00 a.m. and 6:00 p.m. in any day, or 9:00 a.m. and 6:00 p.m. in the case of Sundays or holidays, from those types and classes of equipment set out in Schedule A in § 241-3C(4) which does not exceed the maximum permissible sound level respectively attributed to the equipment in the Schedule, when measured in dBA at the measurement distances set out there, with the exception of leafblowers, which shall be operated in accordance with the hours in § 241-3C(2); or

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- E. The use in a reasonable manner of bells, organs, chimes or other similar instruments in a church or other place of worship.

§ 241-5.1. Applicability to certain parks permits. [Added 1996-05-21 by By-law No. 1996-0267]

Despite § 241-5, where the holder of a permit issued under § 255-47.1 of Municipal Code Chapter 255, Parks, is required by Council to retain noise control services with respect to an event, the enforcement and offence provisions of this chapter shall apply with necessary modification to the event.

§ 241-6. Permit application.

- A. An application on the prescribed form shall be submitted to the Commissioner at least eight (8) weeks prior to the date for which the permit is to be applicable and shall provide the following:
- (1) The name, address and telephone number of the applicant;
 - (2) The date, time, location of the event for which the permit is sought, and number of people expected to attend;
 - (3) The purpose for which the permit is required;
 - (4) The description of the sound equipment to be used;
 - (5) Certification that the event will not start before 9:00 a.m. or continue after 11:00 p.m. and will be no longer than six (6) hours in duration;
 - (6) Certification that the majority of the owners or occupants within one hundred twenty (120) metres of the location of the event have no objection to the permit being issued;
 - (7) The name of contact person(s) who will be supervising the event;
 - (8) Certification that a contact person supervising the event will be on-site during the entire event; and
 - (9) Certification that any requests made by The Metropolitan Toronto Police Force or by a noise control officer with respect to the volume of noise will be fully complied with.

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- B. Where the application complies with all of the provisions of this section, the Commissioner shall issue a permit authorizing the use of such amplification equipment.
- C. Where the Commissioner determines that the application does not comply with the provisions of this section, the Commissioner shall refuse the application.

§ 241-7. Appeals.

- A. Where an application has been refused by the Commissioner, the applicant may appeal the refusal to the City Services Committee in writing setting out the reasons why the applicant believes the application complies with § 241-6 and request to be heard by the City Services Committee.
- B. The Commissioner shall then forward a report on the application to the City Services Committee, setting out the grounds for refusal.
- C. The City Services Committee shall recommend to Council whether to grant or refuse the application, subject to compliance with the provisions of this Article.

§ 241-8. Offences.

Any person who contravenes any provision of this Article is guilty of an offence and, on conviction, is liable to a fine of not more than the maximum fine under section 61 of the Provincial Offences Act

ARTICLE II Engine Bells

[Adopted 1994-10-11 as By-law No. 1994-0773¹]

§ 241-9. Prohibited locations.

The ringing of any engine bell, in accordance with subsection 250(1) of the Railway Act, R.S.C. 1985, c. R-3, at the following highway crossings is prohibited:

Editor's Note: This section was passed under the authority of subsection 1(1) of the City of Toronto Act, 1990 (No. 3), S.O. 1990, c. Pr44, and, under section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, a person convicted of an offence under this section is liable to a fine of not more than five thousand dollars (\$5,000.).

¹Editor's Note: This Article was passed under section 9 of The City of Toronto Act, 1971, S.O. 1971, c. 130, and subsection 250(2) of the Railway Act, R.S.C. 1985, c. R-3.

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- A. The highway crossings of the North Toronto Subdivision of the Canadian Pacific Railway Company at McLennan Avenue, Bartlett Avenue, Dufferin Street, Symington Avenue and Osler Avenue.
- B. The highway crossings of the Oshawa Subdivision of the Canadian National Railway at Pape Avenue, Logan Avenue, Greenwood Avenue, Jones Avenue and Woodbine Avenue.
- C. The highway crossings of the Newmarket Subdivision of the Canadian National Railway at Davenport Road, Royce Avenue and Wallace Avenue.