

COMMITTEE OF THE WHOLE - MAY 28, 2007

NOISE CONTROL BY-LAW REVIEW

Recommendation

The Commissioner of Legal and Administrative Services and the Senior Manager of Enforcement Services recommends:

That this report be received.

Economic Impact

N/A

Communications Plan

N/A

Purpose

This report is to provide information relating to the Noise control By-law 96-2006.

Background - Analysis and Options

On April 10, 2006 Council enacted a new Noise Control By-law (96-2006).

Council, at its meeting of April 2, 2007 (Item 3, Report 15) requested a report to review the implementation of Noise Control By-law.

The new By-law provided for a number of improvements to the 1981 By-law, including:

- Simpler language
- Time and Place noise limits and General Prohibitions were revised.
- A provision allowing exemptions to the By-law, and monitoring of noise levels with the costs being borne by the service user.
- A provision to assist York Regional Police in dealing with street racing.

Noise Levels

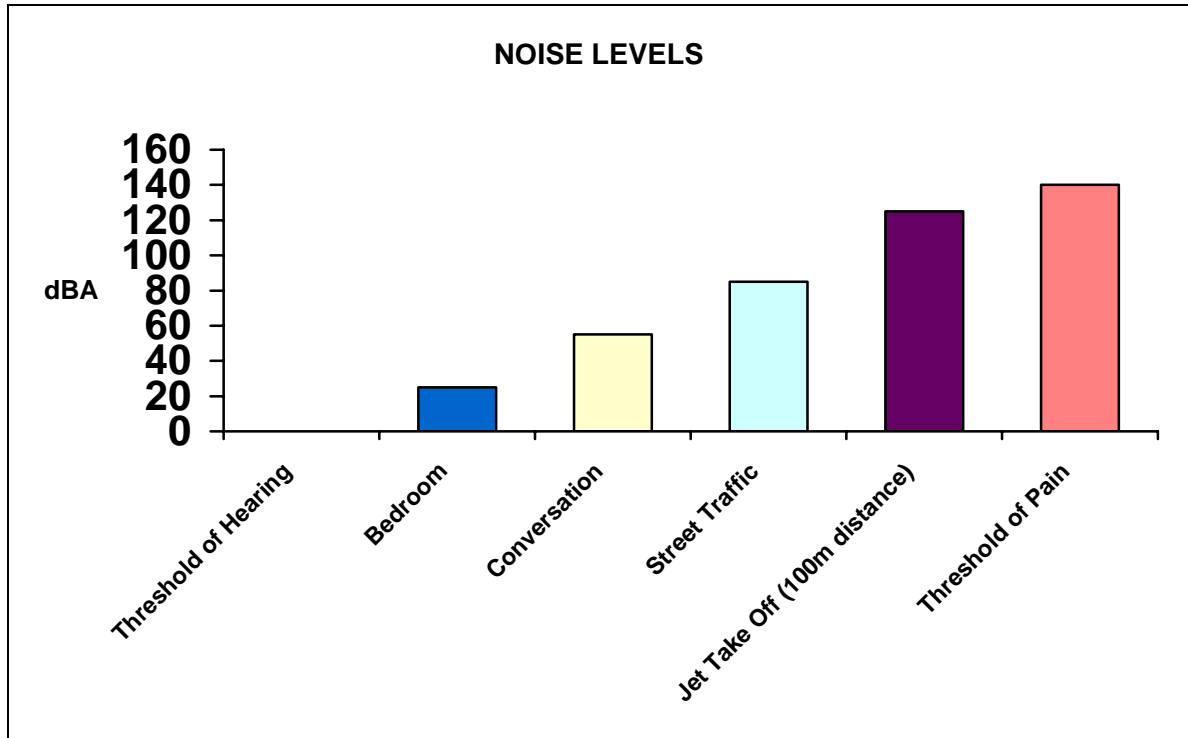
The monitoring of noise levels is conducted by using a calibrated noise meter. The user must be certified in the use of the instrument.

In preparation of the new By-law coming into effect, appropriate Enforcement staff were trained and certified in noise measurement. The department acquired two sound meters in order to have the capability of meeting the demands for the service.

Noise is measured at the point of reception. This means that, for example, if a complaint is received about loud music from a park two blocks distant, the noise levels would be measured at the complainant's location, not where the noise originated.

In cases of noise exemptions, the Noise By-law provides for a maximum noise level of 55 dBA at the point of reception. This noise level is equivalent to normal conversation speech. This level was chosen so that residents would not have to elevate their own voices to communicate, or be disturbed during event times.

The following chart demonstrates the decibel levels for some common sounds.



Permit Process

By-law 96-2006 provides for noise exemptions to be granted for special events and for noise monitoring at the applicant's cost during these events. There must be amplified music or sound used to require an exemption.

Although initially all special event permit requests received by the Licensing Department were forwarded for noise exemptions, this practice was modified in mid-summer 2006 to remove house parties (weddings and large backyard parties) and this year street parties will no longer be subject to Noise Exemption or monitoring requests. This was due to concerns from the end users about the cost and also that some parties go on well past 11pm and it was thought that allowing an exemption after that time could possibly inconvenience the public. Any complaints be received about parties would be the responsibility of the police.

Generally, monitoring is required where the amplified music/sound from a special event may reasonably be expected to have a negative impact on neighbouring residential areas, based on historical complaints, or proximity of the event to residential developments.

In 2006, 58 noise exemptions were issued, resulting in 287 hours of noise monitoring being conducted and charged to the applicant. The exemptions resulted in \$5,800. revenue and the noise monitoring resulted in \$18,650. of staff time being re-couped. Staff that conduct the monitoring are working beyond their regular hours and as such are paid at an overtime rate. The volume of monitoring assignments make the use of on duty staff not feasible. The use of on duty staff would also have a negative impact in other departmental responsibilities.

Three locations accounted for 42 of the noise exemptions and monitoring requirements.

- The Polish Army Veteran's Park obtained 22 exemptions and \$11,860. In monitoring.

- The Minime Sisters (7543 Kipling) had 10 exemptions and were charged \$1,720. for monitoring.
- The VenetoCentre also had 10 events and were charged \$950. for monitoring.

Although monitoring and exemptions were issued at these locations, noise complaints were still received from time to time relating to functions at these locations.

The Kortright Centre, had one exemption, but due to the location of the event no monitoring was required. This was also the case at the Soccer Centre on Martingrove Avenue.

A total of 8 exemptions resulting in \$640. of monitoring were attributed to private residences. As mentioned earlier in the report, this kind of event will no longer be part of this process.

The cost of the exemption and monitoring are passed on to the end user through the users agreement. For example, The Polish Army Veteran's Park, Minime Sisters, or the Veneto Centre charge the costs to those that rent the facility.

Staff have maintained an open dialogue with the users of this service and have endeavoured to minimize the impacts of monitoring costs. Staff also hold meetings with representatives of the largest users to ensure that the process and expectations are mutually understood.

The process in place was new in 2006 and staff have modified the processes and requirements over the past year in response to feedback from stakeholders. For 2007, there will be no involvement in street parties or large house parties; the time of monitoring an event will be further confined to 6:00pm-11:00pm to reduce the costs to the users while still providing increased quiet time enjoyment for residents; should the locations being monitored demonstrate compliance with the noise levels through the months of June and July the monitoring time may be further reduced to 8:00pm-11:00pm.

The provisions of the By-law appear to adequately address the public's needs and expectations. Staff are not recommending any amendments to the Noise Control By-law at this time.

Relationship to Vaughan Vision 2007

This report is in keeping with the Vaughan Vision in that it speaks to providing effective and efficient delivery of services. The necessary resources have been approved and allocated.

Regional Implications

N/A

Conclusion

The Noise Exemption and Monitoring requirements of By-law 96-2006 provide an effective tool to allow groups to enjoy their respective events, while allowing residents the peace and enjoyment of their properties.

Attachments

N/A

Report prepared by:

Tony Thompson
Senior Manager, Enforcement Services

Respectfully submitted,

Janice Atwood-Petkovski
Commissioner of Legal & Administrative Services

Tony Thompson
Senior Manager, Enforcement Services