

5. NOISE BY-LAW REVIEW  
EXAMEN DU RÈGLEMENT SUR LE BRUIT

**COMMITTEE RECOMMENDATIONS AS AMENDED**

**That Council:**

1. Approve the repeal of the Noise By-law (2004-253, as amended) and the re-enactment of the by-law as described in Document 1 and in this report to:
  - a) define and specify bass noise in the general provision of the by-law that addresses noise likely to disturb;
  - b) reduce the maximum noise threshold for construction exemptions from 90 dB(A) to 85 dB(A), in accordance with provincial standards;
  - c) exempt municipal waste collection;
  - d) enable charging of companies for after-hours waste collection and deliveries; and
  - e) reduce permitted car alarm time to 5 minutes from 20.
2. Authorize the Manager, By-law & Regulatory Services Branch, to finalize and make minor adjustments to the amended and re-enacted by-law to give effect to the intent of Council.
3. **Direct:**
  - a) **Fleet Services review the feasibility of installing broadband**

back-up alarms on appropriate City vehicles and report back to Council with options and the associated costs for consideration in 2018 Budget Deliberations;

- b) Road Services and Facilities staff or others as identified, in consultation with Supply, review the feasibility of incorporating requirements for broadband back-up alarms into purchasing documents for external snow-clearing service providers using vehicles where such alarms are appropriate;
- c) By-law & Regulatory Services staff review the feasibility of adding to the licensing regulations related to snow plow contractors the requirement for broadband back-up alarms on private snow plow vehicles, as appropriate, and report back to Council in the next Term of Council.

### RECOMMANDATIONS DU COMITÉ TELLES QUE MODIFIÉES

Que le Conseil :

1. Approuve le Règlement sur le bruit (2004-253, tel que modifié) et une réadoption du Règlement tel que décrit dans le Document 1 et dans le présent rapport afin :
  - a) de définir et de préciser ce qu'est le bruit de basse fréquence dans les dispositions générales du Règlement qui portent sur le bruit susceptible de déranger;
  - b) de réduire le seuil maximal de bruit autorisé pour les exemptions visant les projets de construction, qui passe de 90 dB(A) à 85 dB(A), conformément aux normes provinciales;
  - c) d'exempter le service municipal de ramassage des déchets de

l'application du Règlement;

- d) de permettre l'imposition de frais aux entreprises qui ramassent ou transportent des déchets après les heures permises;
  - e) de réduire de 20 minutes à 5 minutes la durée de fonctionnement d'une alarme de voiture.
2. Autorise le chef des Services des règlements municipaux à mettre la touche finale et à apporter des modifications mineures au Règlement municipal modifié et adopté de nouveau afin de donner suite à la volonté du Conseil.
3. Dirige :
- a) les Services du parc automobile se penchent sur la possibilité de doter certains véhicules municipaux d'avertisseurs de recul à large bande de fréquences et présentent au Conseil les options et leur coût, à étudier dans le cadre des délibérations sur le budget de 2018;
  - b) le personnel des Services des routes et des installations ou d'autres employés désignés, en consultation avec Approvisionnement, examinent la possibilité d'intégrer les exigences relatives aux avertisseurs de recul à large bande de fréquences aux documents d'achat dans le cas des fournisseurs externes de services de déneigement utilisant des véhicules qui se prêteraient à l'utilisation de ces avertisseurs;
  - c) le personnel des Services des règlements municipaux examine la possibilité d'ajouter aux règlements sur la délivrance de permis liés aux exploitants de chasse-neige

**l'obligation de doter les chasse-neige privés d'avertisseurs de recul à large bande de fréquences, s'il y a lieu, et fasse part de ses conclusions au Conseil au cours du prochain mandat du Conseil.**

**DOCUMENTATION/DOCUMENTATION**

1. Manager's report, By-law & Regulatory Services dated 11 May 2017 (ACS2017-EPS-GEN-0010)

Rapport du Gestionnaire, Services des règlements municipaux, daté le 11 mai 2017 (ACS2017-EPS-GEN-0010)

2. Extract of Minutes, Community and Protective Services Committee, 18 May 2017

Extrait du procès-verbal, Comité des services communautaire et de protection, le 18 mai 2017

**COMMUNITY AND PROTECTIVE  
SERVICES COMMITTEE  
REPORT 23  
24 MAY 2017**

**93**

**COMITÉ DES SERVICES  
COMMUNAUTAIRES ET DE  
PROTECTION  
RAPPORT 23  
LE 24 MAI 2017**

**Report to  
Rapport au:**

**Community and Protective Services Committee  
Comité des services communautaires et de protection  
18 May 2017 / 18 mai 2017**

**and Council  
et au Conseil  
24 May 2017 / 24 mai 2017**

**Submitted on May 11, 2017  
Soumis le 11 mai 2017**

**Submitted by  
Soumis par:**

**Roger Chapman, Manager / Gestionnaire, By-law & Regulatory Services / Services  
des règlements municipaux**

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**Ward: CITY WIDE / À L'ÉCHELLE DE LA  
VILLE**

**File Number: ACS2017-EPS-GEN-0010**

**SUBJECT: Noise By-law Review**

**OBJET: Examen du Règlement sur le bruit**

### **REPORT RECOMMENDATIONS**

**That the Community and Protective Services Committee recommend that Council:**

- 1. Approve the repeal of the Noise By-law (2004-253, as amended) and the re-enactment of the by-law as described in Document 1 and in this report to:
  - a) define and specify bass noise in the general provision of the by-law that addresses noise likely to disturb;**
  - b) reduce the maximum noise threshold for construction exemptions from 90 dB(A) to 85 dB(A), in accordance with provincial standards;**
  - c) exempt municipal waste collection;**
  - d) enable charging of companies for after-hours waste collection and deliveries; and**
  - e) reduce permitted car alarm time to 5 minutes from 20.****
- 2. Authorize the Manager, By-law & Regulatory Services Branch, to finalize and make minor adjustments to the amended and re-enacted by-law to give effect to the intent of Council.**

### **RECOMMANDATIONS DU RAPPORT**

**Que le Comité des services communautaires et de protection recommande au Conseil**

1. **D'approuver le Règlement sur le bruit (2004-253, tel que modifié) et une réadoption du Règlement tel que décrit dans le Document 1 et dans le présent rapport afin :**
  - a) **de définir et de préciser ce qu'est le bruit de basse fréquence dans les dispositions générales du Règlement qui portent sur le bruit susceptible de déranger;**
  - b) **de réduire le seuil maximal de bruit autorisé pour les exemptions visant les projets de construction, qui passe de 90 dB(A) à 85 dB(A), conformément aux normes provinciales;**
  - c) **d'exempter le service municipal de ramassage des déchets de l'application du Règlement;**
  - d) **de permettre l'imposition de frais aux entreprises qui ramassent ou transportent des déchets après les heures permises;**
  - e) **de réduire de 20 minutes à 5 minutes la durée de fonctionnement d'une alarme de voiture.**
2. **D'autoriser le chef des Services des règlements municipaux à mettre la touche finale et à apporter des modifications mineures au Règlement municipal modifié et adopté de nouveau afin de donner suite à la volonté du Conseil.**

## **EXECUTIVE SUMMARY**

### **Assumption and Analysis**

In June 2015, Council approved a By-law Review Strategy for the purpose of identifying and prioritizing by-laws to be re-examined for accuracy, relevance and effectiveness. The By-law Review Strategy further identified the scope of each by-law review through the identification of specific issues to be addressed through the course of the review.

The City's Noise By-law (2004-253, as amended) was identified as a priority for Council. While the by-law was subsequently amended on nine occasions, this will be the first

systemic review since the by-law was enacted in 2004. Policy areas to be examined through this review included: low frequency (bass) noise and vibration; construction noise; construction exemptions; snow removal; waste removal; special event exemptions; car alarms; motorcycles; and wind chimes.

Following a best practices review and consultations with the public and internal and external stakeholders, staff is recommending a re-enactment of the Noise By-law, as described in Document 1, as the best method to address staff recommendations on the above-noted issues and to incorporate minor housekeeping amendments.

As a result of the review, amendments related to low frequency bass noise and vibration, construction exemptions, waste collection and car alarms are being recommended.

Staff is recommending no changes to permitted construction noise times, special event noise exemption regulations, the general exemption for snow clearing and removal or rules around motorcycle noise, and no new provisions to address wind chimes.

### **Financial Implications**

There are no direct financial implications associated with this report.

### **Public Consultations**

Staff of By-law & Regulatory Services reviewed issues and options with other relevant departments and partners, including: 2017 Operations and Special Events; Planning, Infrastructure and Economic Development; Public Works and Environmental Services; Transportation Services; Ottawa Police Service; and Ottawa Public Health. Options developed under the study were presented in a Noise Management Discussion Paper and shared with external stakeholders in the construction and contracting industries, snow removal industry, Ottawa Festivals, Business Improvement Areas and various community organizations. Information was also posted on the City's website, along with a comprehensive survey. Four in-person consultation sessions were also held at: Greenboro Community Centre on April 25; McNabb Recreation Centre on April 26;



Overbrook Community Centre on May 1; and Mlacak Centre on May 2. Results of the consultations are outlined in Document 2.

Public awareness was raised through a Public Service Announcement, the City website and social media accounts and through the offices of individual Councillors. More than 3,100 residents participated in the public consultations. Additionally, public opinion research was commissioned through an external consultant to evaluate city-wide attitudes on a number of noise related topics, and is outlined in Document 3. Data collected from these consultations has informed the final recommendations, resulting in a number of changes from the options proposed in the Discussion Paper.

## **BACKGROUND**

The *Municipal Act, 2001*, provides municipalities with the legislative authority to regulate noise, to help protect public health and safety, and to support control of nuisance.

In 2004, following extensive research, and public and stakeholder consultation, City Council enacted By-law No. 2004-253 respecting noises, commonly referred to as the Noise By-law, which was also a harmonization of the noise regulations of the former municipalities that now comprise the City of Ottawa. Since its enactment, the by-law has been amended a number of times to address a variety of issues and functions, such as removing exemption fees for charities and not-for-profit organizations, reducing construction periods for infill housing projects, providing longer-term exemptions for the construction of Lansdowne Park and Confederation Line, and expanded exemptions for City-run projects under certain conditions.

The current by-law regulates a number of categories of noise common to most cities including:

- Unusual noise
- Bells, horns and shouting
- Air conditioners, heat pumps, compressors, condensers, chillers, cooling towers and similar devices

- Exhaust fans, exhaust systems, intake fan generators, commercial dryers or similar devices
- Pump or filtration systems
- Construction
- In-fill housing construction
- Loading and unloading
- Deliveries
- Idling motor vehicles
- Mufflers
- Motor sports
- Go-kart activities
- Unnecessary motor vehicle noise
- Power equipment
- Heavy-duty equipment
- Refuse collection
- Sound reproduction and amplification devices
- Confederation Line Project construction and maintenance
- Various exemption provisions such as for construction, sound reproduction/ amplification devices (music at special events), snow clearing/removal

Overall, the by-law has been effective in addressing concerns about noise in the city. In addition to enforcement activities, By-law & Regulatory Services has utilized proactive engagement, community partnerships and public awareness to decrease service demand by 24% over the past five years, from 12,916 to 9,803.

However, in 2015 Council identified a number of specific policy areas, through the By-law Review Strategy report, where staff was asked to re-examine the provisions of the Noise By-law and recommend any changes necessary to provide for the effective management of noise within the community.

Issues identified included:

- Low Frequency Bass and Vibration
- Construction Noise (e.g. more restrictive weekend hour provisions)
- Construction exemptions
- Snow Removal
- Waste Removal/Lifting Equipment
- Special Event exemption process (music)
- Car Alarms
- Motorcycles
- Wind Chimes
- Hours of operation for enforcement
- Response times
- Noise concerns with residents backing onto non-residential uses

Hours of operation and response times were determined to be beyond the scope of this review, as they involve budgetary and operational concerns that are not regulated through this By-law. By-law & Regulatory Services Branch is conducting a Core Service Review that will address Branch operations and service delivery, with a report to Council expected in late 2017.

## **DISCUSSION**

### **RECOMMENDATION 1**

Due to the extent of the recommended changes to be incorporated, as well as the number of amendments made between 2004 and present, staff is recommending the repeal and re-enactment of the Noise By-law as described in Document 1. The re-enactment would remove legacy items, such as the construction exemptions for Lansdowne Park, and enable the re-ordering of various amendments to improve readability and clarity. It will also enable the integration of new regulations resulting from the review and public consultations, as detailed in this report.

#### **Low Frequency Bass and Vibration**

Staff is recommending the inclusion of a new definition for “bass noise” to address the low frequency sound and resulting vibrations which cannot be measured using standard sound meters.

As a component of the review, staff was asked to examine options to improve the regulation and enforcement of bass noise, including the possible implementation of C-Scale decibel readings, dB(C), in the Noise By-law.

For context, music complaints account for one half of annual service requests for noise. While bass noise is specifically cited as the primary cause of disturbance in approximately 10% of service requests, the fact that bass noise travels further and penetrates deeper than higher frequency sounds means that it is more likely to disturb residents.

During the recent public opinion survey, residents were asked to quantify how often they were disturbed by music and shouting. Survey results indicate.

- 51% of respondents indicated that they were never disturbed by music and shouting
- 42% indicated they were rarely or occasionally disturbed
- 7% indicated that they were frequently or constantly disturbed

Reports of disruption were most prevalent for urban residents, with 10% reporting constant or frequent disruption, followed by sub-urban residents at 6% and rural residents with less than 1%.

Currently, the Noise By-law does not have any regulations to specifically address bass noise, and does not address the vibrations that can be felt through the adjacent community. This omission has made it difficult to issue a charge (Provincial Offence Notice) that will be upheld in Provincial Court.

Staff has identified that the implementation of dB(C) standards would require the purchase of new noise meters with specialized low frequency microphones and analysis software. The total capital cost of replacing the existing complement of noise meters

would be \$100,000. Annual operating costs would also exceed \$100,000, driven by increased staffing costs. All by-law enforcement officers would require an annual half-day re-certification course. In addition, the time required to collect readings at each call would result in a further 1,600 person hours of staff time, which could adversely impact other service areas.

The recommendation of staff is to define bass noise clearly in the by-law and to include its enforcement under Section 2 of the by-law, “Unusual Noise, Noise Likely to Disturb”. Bass noise would be defined as any low frequency sound which may be audible or otherwise felt as vibration.

Section 2 provides enforcement staff the ability to address a broad range of noise issues without specific decibel readings and with minimal disruption for residents impacted by these sounds.

These amendments will provide the ability for By-law Enforcement Officers to resolve service requests without requiring specialized meters. This approach has three key advantages:

- It is less intrusive for residents. Service requests will not require officers to enter their residence for an extended period to take readings.
- It is more adaptive to different ambient noise levels and unique community considerations.
- The City can enforce bass noise without having to invest more than \$100,000 dollars annually in equipment, training and enforcement time.

This approach captured the most support from residents who participated in public consultations. Forty-three percent (43%) of on-line survey respondents felt that this was the most reasonable approach; 30% supported the second option of establishing set decibel limits; 17% supported maintaining the status quo; and 10% had no opinion.

### **Permitted Times for Construction Noise**

Staff is recommending no changes to permitted construction times.

Currently, the by-law provides for general construction to occur between 7 a.m. and 10 p.m., daily Monday to Saturday, and 9 a.m. to 10 p.m. on Sundays and statutory holidays. Additional provisions for infill construction, demolition and construction on small lots in residential communities, limit construction to the period from 7 a.m. to 8 p.m. on weekdays, and from 9 a.m. to 7 p.m. on weekends and statutory holidays.

Staff was asked to review management of construction noise in general, with particular emphasis on the permitted time periods for weekend construction.

In both the public opinion research and public consultations, most residents indicated that the current restrictions were reasonable. While 29% of online survey participants supported later start times on Saturday morning, consultations with construction industries have raised substantial concerns about further restrictions to hours of operation.

Industry concerns can be grouped into three categories: health, safety and quality of life issues for workers; non-noise related time restrictions placed on public projects; and cost and service impacts for residents.

The construction industry employs more than 25,000 workers. Most of these workers are required to complete 12 months of work in a seven-month period. A typical work week will result in 55 hours of work, Monday to Friday. Saturdays are most often utilized to do catch-up work needed to maintain project schedules. When Saturday work is required, it is better for the workers to complete their tasks as early as possible. This enables them to finish before the afternoon temperature peaks, and provides more time to spend with their families. Additionally, a reduction in Saturday working hours would require more work to be done during heavy traffic periods, increasing mobility impacts and risks for worker and public safety.

Additional concern was expressed for the ability to complete public infrastructure projects, where strict timelines and penalties may be imposed for timely delivery.

The third area of concern expressed was the ability to meet the needs of the community with minimal disruption. Reducing hours on Saturday would require more work to be completed during the week, where traffic and mobility disruption would be substantially higher. Where this work involves road cut permits, construction would most often occur overnight, leading to increased noise disruption and complaints.

In addition to the public and stakeholder consultations, staff commissioned public opinion research to better gauge city-wide opinion regarding construction noise. City-wide, 72% of residents reported that they were never or rarely disturbed by construction noise, 18% were occasionally disturbed and 10% were frequently or constantly disturbed by construction noise. Incidents of disturbance were most frequently reported in the urban core (12%), followed by sub-urban areas (8%) and rural areas (5%).

Additionally, residents were asked to rate the importance of City priorities. As demonstrated in Document 3, providing effective transit and transportation was rated the most important, followed closely by supporting and growing the local economy and developing and maintaining community infrastructure. When compared to these priorities, reducing noise for residents rated significantly lower.

In consideration of the review of public and stakeholder input, staff has determined that further changes to established construction times is not recommended.

### **Construction Exemptions**

Staff is recommending a reduction in the maximum noise threshold for construction exemptions from 90 dB(A) to 85 dB(A).

Currently, the by-law provides for exemptions to permitted construction periods. Private construction projects may be exempted for up to 11 days. City construction projects may be exempted for longer periods under certain conditions, but in both cases, the maximum threshold for noise is 90 decibels, or dB(A). The by-law further provides for additional restrictions to be placed by the Chief of By-law & Regulatory Services.

Ward Councillors are required to approve construction noise exemptions. For private construction, their decision is final. City construction exemptions that are denied by the Ward Councillor may be appealed to the appropriate Council Committee for a final determination.

Council requested that the exemption process be reviewed, with specific direction to examine lowering the threshold for exemptions to 85 dB(A).

Staff is prepared to make this recommendation, noting that it will serve to reduce nighttime construction noise, where the bulk of complaints (58%) arise. It will further align City standards with Ministry of Environment guidelines and new Ministry of Labour regulations adopted in 2015.

### **Snow Clearing and Removal**

Staff is recommending no change to the current regulation of snow clearing and snow removal.

Currently, the by-law provides a complete exemption for snow clearing and removal. Council requested that staff examine the feasibility of a prohibition on snow clearing between midnight and 6 a.m. daily.

Fifty-nine percent (59%) of residents that participated in consultations indicated that snow clearing was too important to restrict; 32% of respondents supported the proposal to limit overnight clearing to snowfalls of 5 cm or more; 3% supported an outright ban on overnight snow removal; and 6% had no opinion. Staff has also received a number of direct emails from individuals concerned about the potential negative consequences of any snow removal restrictions on their personal circumstances.

While the Discussion Paper identified the preferred option as a prohibition to overnight clearing when there is less than 5 cm of snowfall, subsequent consultation with Ottawa's licenced snow plow contractors has demonstrated that such restriction could have serious implications for mobility for the residents they serve, as well as insurance liability for operators.



The Ottawa Snow Contractors Association has proposed to engage with the City to develop best practices to limit noise and improve customer service, including an awareness campaign for equipment operators.

The two principal issues raised regarding snow clearing noise were the clearing of large commercial lots next to residential properties and the frequency with which snow plow contractors return to clear residential neighbourhoods. A number of options have been identified to address these issues and have been referred to the appropriate departments as they are beyond the scope of this Review.

This includes an emerging technology known as broadband back-up alarms. These devices provide required levels of safety in the vicinity of reversing vehicles without creating a shrill disturbance throughout the community. These devices were first used during the construction of the Olympic Village in London, England, and are now mandatory in New York City, but are little used or known in Canada.

Staff has been in contact with a Canadian pilot project, led by the University of Victoria, in partnership with Dalhousie University, WorkSafeBC and a number of local BC agencies. Early results indicate that the pilot has been very successful and WorkSafeBC is now studying their implementation province-wide. Staff anticipates the completion of this study later this year and will review options for their implementation in our community following the publication of that report.

### **Municipal Waste Collection**

Staff is recommending that municipal waste collection be exempted from the Noise By-law.

Currently, the by-law provides for waste collection between 7 a.m. and 11 p.m. Monday to Saturday, or after 9 a.m. on Sundays and holidays. A 24-hour exemption is provided for the Central Area of the City, as indicated by the map attached to Document 1.

Staff was asked to re-examine the exemptions for waste removal from the Central Area, as defined by Schedule B of the by-law. Ottawa's condominium boom has resulted in

more residents living in the Central Area, with a corresponding increase in the use of compacting equipment and the loading and unloading of containerized waste.

The current by-law exempts all waste collection within the core. However, it has also been the practice of Public Works and Environmental Services department to empty street-side waste bins in entertainment districts, Business Improvement Areas, and main streets after 11 p.m. Approximately 8 tonnes of garbage are collected from these bins annually.

Given that this work is essential for maintaining quality communities and public health, and has only resulted in one complaint in the past year, staff is recommending that the by-law be revised to permit a blanket exemption for municipal waste removal. This exemption will include third-parties contracted by the City to provide this service.

In providing this recommendation, it is important to note that residential waste removal services, both curbside and apartment, will continue to be guided by the Public Works and Environmental Services department's service standards. Residential pick-up times are strictly controlled to occur Monday to Friday, between 7 a.m. and 6 p.m., and on Saturdays between 7 a.m. and 6 p.m. following a statutory holiday.

This exemption was broadly supported by the public, Business Improvement Areas and Ottawa Public Health. Fifty-eight percent (58%) of survey respondents supported the municipal exemption; 23% indicated they did not support the measure; and 19% expressed no opinion.

### **Commercial Waste Disposal and Deliveries**

Staff is recommending amendments to provisions for waste disposal and deliveries to enable enforcement actions against the company versus individual employees.

Currently, the by-law specifies that no person shall operate refuse compacting equipment or solid waste bulk lift equipment, between 11 p.m. of one day and 7 a.m. of the next day.

Consultations with enforcement officers identified the difficulty in enforcing this provision, as officers currently have to identify the equipment operator and charge them personally for the offence. By changing language in the applicable sections to “to cause or permit...”, as currently utilized in Section 2, it would become possible to charge companies for violations rather than charging their individual employees. This significantly improves the City’s ability to enforce these provisions.

Forty-one percent (41%) of survey participants supported the proposal as described in the discussion paper; 39% indicated that the current regulations should remain and 20% expressed no opinion. Support for the measure was highest among urban residents, where the bulk of waste removal complaints (98%) arise. Forty-seven percent (47%) of urban respondents supported this measure.

In addition to Section 17, Refuse Collection, staff is further recommending that this same approach be applied to Section 8, Loading and Unloading, and Section 9, Deliveries. By-law Enforcement Officers have identified similar challenges to the enforcement of these provisions. Applying the same approach to all three categories will provide consistency in enforcement standards and practices and serve to further reduce noise disruptions for residents living next to commercial properties.

The exemption for the Central Area of the City will remain in effect, however the map included as Schedule B has been updated at the request of the Ward Councillor for Somerset Ward. High-density residential properties south of Laurier Avenue and west of Bank Street have been removed from the exemption zone. This will reduce disruption for residences adjacent to commercial properties, but will have no significant impact for traffic and mobility in the area.

### **Special Event Exemptions**

Staff is recommending no change to the special event (sound reproduction/amplification device) exemption processes.

Currently, the by-law provides for exemptions to the use of sound reproduction/amplification devices (e.g. sound systems) for special events of up to 11 days in

duration, to a maximum volume of 65 decibels (dB(A)), from the point of reception. Exemption periods may go up 11 p.m., Sunday through Thursday, and until 1 a.m. on Friday's, Saturdays and on Sundays only when Monday is a holiday, if agreed upon by the Ward Councillor, Chief of By-law & Regulatory Services and the applicant. Additional conditions may be imposed by the Chief of By-law & Regulatory Services and any affected Ward Councillor.

Staff was asked to examine two aspects of special event noise exemptions:

- If applications should continue to be made to Client Service Centres or if this responsibility should be transferred to Event Central (currently 2017 Operations and Special Events)
- The role of Councillors in approving exemptions for special events.

Staff is not recommending changes regarding who is responsible for processing special event noise exemptions, as the organizational restructuring that occurred in 2016 accounted for this workload to remain with Service Ottawa. 2017 Operations and Special Events does not have the administrative capacity to ensure noise exemption applications are processed in a timely fashion. In addition, it is noted that Service Ottawa's Client Service Centres provide more flexibility and convenience for the community, with more service locations and longer hours of operations. Their processes are well established and effective.

The proposal identified in the Noise Management Discussion Paper, to establish set noise criteria for events at Canadian Tire Centre and Lansdowne Park, and to streamline event applications by automatically applying exemption standards to events approved through Emergency and Protective Services, was not broadly supported in public consultation. While 35% of respondents did support this proposal; 45% indicated that the current regulations are preferred; 10% of participants stated that noise from stadiums and festivals was already too disruptive under current standards; and 10% held no opinion.

Staff note that residents adjacent to event and festival sites are the most impacted by their operations and also expressed the strongest opinions regarding event noise management. Staff also note that the City is undertaking a number of related initiatives, including developing a music industry strategy and a performance venues zoning study.

Given the above, staff is recommending that the current exemption standards and processes be maintained until such time as the City can examine the issue through a strategic and holistic process.

### **Car Alarms**

It is recommended that the time limit permitted for car alarms be reduced from 20 minutes to five.

Currently, the by-law provides for a 20-minute period for “the ringing of fire bells or fire alarms or the making of any other noise for the purpose of giving notice of fire or any other danger or any unlawful act.”

Staff was asked to examine this provision as it relates to car alarms and the period they may sound.

Examination of practices from other municipalities show that the City of Toronto has utilized a five-minute limit since 2006. Staff has consulted with City of Toronto by-law enforcement and policy staff, and has determined that a five-minute limit could be enforced in Ottawa, as both cities use similar enforcement processes to address this issue. Given that 56% of respondents to the survey supported this reduction, versus 25% that supported the current twenty-minute limit, staff is recommending the adoption of the shorter time period.

It is unknown how many additional service requests will result from this change in time limits. This will be monitored and reported in the 2018 By-law & Regulatory Services Branch Annual Report.

### **Motorcycle Noise**

Staff is recommending no changes to the by-law to address motorcycle noise. Staff will however submit to the provincial Ministry of the Attorney General an application for an increase in the set fine amounts for violations under Sections 10, Idling Motor Vehicles; 11. Mufflers; and 14. Unnecessary Motor Vehicle Noise.

Currently, Section 10 of the by-law provides for a five (5) minute limit on idling, with exemptions for when the weather is below 5 degrees Celsius or above 27 degrees Celsius. Section 11 requires the use of effective mufflers, and Section 14 prohibits unnecessary motor vehicle noise such as the sounding of the horn, revving of engine and the squealing of tires of any motor vehicle.

Staff was asked to examine ways to further limit noise disruption caused by motorcycles.

In examination of this issue, it is important to note that the above noted sections of the by-law are applicable only to vehicles that are not on public roadways. Vehicles on roadways are regulated under the *Highway Traffic Act* and cannot be enforced by By-law & Regulatory Services staff. When disruptions occur on private property, the above regulations can be effectively enforced and serve to effectively limit vehicle noise in most circumstances. By-law & Regulatory Services addressed 27 complaints in 2016.

However, the public opinion survey commissioned by By-law & Regulatory Services shows that 8% of residents report frequent or constant noise disruption from motorcycles. The majority of issues occur when motorcycles are on city streets. As this is a matter of police jurisdiction, staff consulted with Ottawa Police Services (OPS). OPS has been provided with the discussion paper as well as anonymous data collected from public consultations and the public opinion research.

Ottawa Police Service has expressed support for this recommendation, which was also supported by 71% of residents who participated in the consultation.

### **Wind Chimes**

Staff is advising that the specific regulation of wind chimes is not recommended.

Currently, the by-law does not provide specific regulations for wind chimes, however complaints about excessive noise can be addressed under Section 2, Unusual Noise, Noise Likely to Disturb.

Staff was asked to examine if specific regulations were required to limit disturbances from wind chimes.

A review of enforcement data shows that 15 service requests related to wind chimes have been received over the past five years. Case reviews have demonstrated that each was effectively managed under Section 2 of the existing by-law. When service requests have demonstrated unreasonable or disturbing noise, such as residents deliberately placing chimes to annoy their neighbour, officers have been able to issue recording warnings or charges and the issue was corrected. As such, staff recommend that no additional regulation is warranted.

## **RECOMMENDATION 2**

This recommendation would provide staff sufficient authority to draft the full by-law for re-enactment, to include Council-approved changes and the details associated with them.

Staff is also seeking authorization to make minor housekeeping-type amendments to the identified by-law to adjust definitions including positions titles, department names and other elements of a similar nature, as required to reflect organizational and other changes that have occurred since the by-law was enacted. Legacy provisions for the construction of Lansdowne Park will also be removed.

## **RURAL IMPLICATIONS**

There are no rural implications associated with this report, as the by-law applies city-wide. Data collected from public consultations has been analyzed to consider urban, sub-urban and rural perspectives and this analysis has informed the report recommendations.

## **CONSULTATION**

Staff of By-law & Regulatory Services reviewed issues and options with other relevant departments and partners, including: 2017 Operations and Special Events; Planning, Infrastructure and Economic Development; Public Works and Environmental Services; Transportation Services; Ottawa Police Service; and Ottawa Public Health. Options developed under the study were presented in a Noise Management Discussion Paper and shared with external stakeholders in the construction and contracting industries, snow removal industry, Ottawa Festivals, Business Improvement Areas and various community organizations. Information was also posted on the City's website, along with a comprehensive survey. Four in-person consultation sessions were also held at: Greenboro Community Centre on April 25; McNabb Recreation Centre on April 26; Overbrook Community Centre on May 1; and Mlacak Centre on May 2.

Public awareness was raised through a Public Service Announcement, the City website and social media accounts and through the offices of individual Councillors. The online consultation materials were viewed more than 6,900 times and more than 3,100 residents participated in the public consultations. A summary of consultations is attached to this report as Document 2.

Additionally, public opinion research was commissioned through an outside consultant to evaluate city-wide attitudes on a number of noise related topics. Data collected from these consultations has informed the final recommendations, resulting in a number of changes from the options proposed in the discussion paper. A summary of responses related to noise management has been included as Document 3.

## **COMMENTS BY THE WARD COUNCILLOR(S)**

Not applicable as this is a City-wide report.

## **ADVISORY COMMITTEE(S) COMMENTS**

No advisory committees were consulted in the preparation of this report as none are relevant to the subject matter.



## **LEGAL IMPLICATIONS**

There are no legal implications associated with this report. Council has the authority under the provisions of the *Municipal Act*, 2001 to regulate/prohibit noises by by-law.

## **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications associated with this report.

## **ACCESSIBILITY IMPACTS**

There are no direct impacts on persons with disabilities or older adults associated with the contents of this report. All information is available in accessible formats.

## **TERM OF COUNCIL PRIORITIES**

The recommendations of this report support the 2015-2018 Term of Council Priority of Healthy and Caring Communities (HC): Help all residents and visitors enjoy a good quality of life and a sense of community well-being by providing healthy, safe, secure, accessible and inclusive places and services.

## **SUPPORTING DOCUMENTATION (on file and available through the City Clerk's office.)**

Document 1: Drafting Instructions – Noise By-law (2004-253, as amended)

Document 2: Summary of Public Consultations

Document 3: Summary of Public Opinion Research with respect to Noise

Document 4: Noise Management Discussion Paper

Document 5: Noise Management Service Request Data 2012-2016

**DISPOSITION**

By-law & Regulatory Services, in conjunction with any other relevant Branches/Departments, will implement Council directions emanating from this report, as appropriate.

Upon approval, By-law & Regulatory Services, in conjunction with Legal Services, will prepare the required by-law amendments for enactment by Council.