



Memorandum

To: Mayor & Members of Council

From: Chris Alexander, Acting Manager of By-law and Regulatory Services

Date: June 26, 2017

RE: **Update on Proposed Changes to Markham's Noise Control By-law**

At the June 19, 2017 General Committee meeting, staff brought forward a report and a proposed new Noise Control By-law for the Committee's consideration. The suggested amendments to the proposed Noise Control By-law include the regulation of construction noise permitted during specified hours on the weekends, increasing minimum fines, and ensuring the By-law is more reader-friendly. The amendments are based on jurisdictional scan findings regarding noise control requirements from other municipalities in the GTHA and within York Region. They attempt to balance an individual's right to the enjoyment of their property with: the right of people to express themselves through religion; the interests of businesses and the construction industry; the need to ensure the vibrancy of the City's downtown and commercial areas are not diminished; and the City's enforcement resources.

At the conclusion of the General Committee meeting, staff was directed to review and provide further clarity on a number of the proposed amendment areas prior to Council adoption on June 27th. The Table below outlines the topics raised by General Committee that required further consideration. Staff responses, recommendations, and the action taken related to the proposed By-law are also included.

TOPIC RAISED ON JUNE 19 th	COMMENTS	DECISION
Consider the appropriateness of the regulating of religious chanting.	The By-law should address all types of noise associated with religious institutions. Freedom of religion is protected under the <i>Canadian Charter of Rights and Freedoms</i> .	The By-law now exempts all religious ceremonies from noise restrictions and reads as follows: <i>Any noise that is related to, associated with, or is an integral part of, religious worship practices, including, but not limited to, chanting, bell ringing, or other similar activity.</i>

TOPIC RAISED ON JUNE 19 th	COMMENTS	DECISION
Consider extending the times for allowing permitted amplified noise on Friday and Saturday evenings.	Extended the proposed time to 11 PM on Friday and Saturday. This extension would greatly reduce the number of exemptions requests made to the City. Currently amplified noise exemptions are granted to 11 PM when requested. Staff do not receive complaints in these cases and therefore are supportive of changing this restriction to 11 PM on Fridays and Saturdays.	The draft By-law has been amended to permit amplified noise on Fridays and Saturdays to 11 PM.
Consider using language within the proposed By-law that broadens the scope of what is being prohibited.	Staff have reviewed the By-law and included a clause to broaden the scope of the intent in three (3) locations.	The following sections have been amended: Schedule 2 (1) Schedule 2 (14) Schedule 3 (4)
Decibel levels - what is a reasonable number that will address loud music, sports on the street, etc.	The establishment of decibel levels for noise from sources other than stationary ones is difficult as it requires the equipment and training for those responding to the call and, at this time, neither is available after hours – it would make the By-law difficult to enforce.	Staff recommend no changes to the proposed By-law at this time.
Can decibel levels be used for commercial businesses?	The By-law is in place to address noise concerns that affect residents' quality of life.	Staff recommend no changes to the proposed By-law at this time.
Can the noise complaints be broken down by type and area (Ward)?	Yes, by ward but not by type of noise. The noise complaints listed in the next column are from 2016.	Ward 1 – 46 complaints Ward 2 – 16 complaints Ward 3 – 74 complaints Ward 4 – 59 complaints Ward 5 – 23 complaints Ward 6 – 24 complaints Ward 7 – 24 complaints Ward 8 – 22 complaints Ward not captured – 56 complaints

TOPIC RAISED ON JUNE 19th	COMMENTS	DECISION
Change Section 28(3) to increase minimum fine from \$200	The minimum fines can be increased, but the final decision still rests with the Justice of the Peace.	Staff are proposing amending the by-law for: First Offence: \$500 Second Offence \$1,000
Schedule 1 – Section 8 – refer to Fireworks By-law	The City's Fireworks By-law 2007-230 was repealed by Stationary Business Licensing By-law 2012-158. The Stationary Business Licensing By-law regulates the licensing of fireworks, but does not reference the discharge of fireworks.	The detonation of fireworks or explosive devices not used in Construction.
Schedule 1 – Section 9 – refer to Firearms By-law	Amendment will clarify the intent of the By-law.	The discharge of firearms unless permitted pursuant to the City's Discharge of Firearms By-law.

Schedule 2 of the proposed By-law related to construction noise has been amended to reflect the following General Committee recommendation:

“That construction noise be prohibited before 9 AM and after 5 PM on Saturday.”

Staff have reviewed all of the discussion points raised at the June 19th General Committee meeting and have amended the proposed Noise Control By-law (see Appendix A) accordingly for Council's consideration.

Sincerely,

Chris Alexander