

No one-size-fits-all solution in proposed updates to noise bylaw

A 'modernized' noise bylaw for Aurora will account for construction noise as the community continues to grow and redevelop, but do changes have a true buy-in from residents?

That was the question raised by Councillors last week as they reviewed proposed changes to existing legislation.

Changes to bring the Town's current noise bylaw up to date were presented to lawmakers at last week's General Committee meeting. Among the proposed changes is a new system for applying for noise exemptions, restricting noise related to home renovations on Sundays to the hours between 9 a.m. and 5 p.m., and putting in place an Administrative Monetary Penalty system to assist with enforcement.

The changes were, in part, informed by feedback from residents who identified three key areas of concern: residential noise (including birthdays, domestic noise and outdoor music), construction noise, and vehicle noise.

'Through the modernization of the proposed noise bylaw, staff have addressed concerns outlined in Item 1 (residential noise) by creating a general noise prohibition clause that addresses residents and businesses who cause or permit noise if it is audible from the point of reception,' said Alexander Wray, Manager of Bylaw Services for the Town of Aurora.

'In an effort to provide clarity and stronger enforcement measures relating to construction noise, staff have made construction noise a defined term in the proposed bylaw. Additionally, provisions have been included outlining a noise exemption process for construction projects. Bylaw Services will administer the exemption process, with the Department Manager having oversight of the process and delegated authority to approve or refuse. Decisions of the Manager would be final, without right to appeal.

'As part of the public consultation process, many residents expressed concern over the constant sound of loud exhausts on motorcycles and vehicles. As part of our comprehensive review, Officers will be able to address vehicle-related noise concerns on private property. However, any noise violations relating to vehicles travelling on a roadway are a Police matter and should be addressed under the Highway Traffic Act.'

On their first sweep of the proposed changes, however, two concerns rose to the surface: noise from construction and a perceived shortfall in public consultation.

Councillor Rachel Gilliland, for instance, questioned how staff found 'or will find' the balance in regulating construction noise while contending with the majority of residents who said during the consultation process that there should be no exemptions for construction.

'Finding the balance in noise bylaw legislation can be very challenging because there is no one-size-fits-all solution,' responded Mr. Wray. 'It is trying to take the needs of all of our communities - our business communities, our residential neighbourhoods, our industry - and understanding what applies to them and creating general prohibitions or restrictions, but also ensuring the fairness of the legislation. It is challenging to do, but I do believe that this proposed bylaw will hit those points.'

Further concerns were raised by Councillor Wendy Gaertner on this front, who said due consideration should be given to how noise impacts people who live in subdivisions versus those who live close to busy thoroughfares like Yonge Street, Bayview Avenue and St. John's Sideroad.

'I think if you do a survey of people who lived in areas that are quiet [you would have] two different populations to serve: one population is the population that already has peace and quiet because they are farther removed from those main transportation corridors; the other group of people are people who are extremely affected by the noise that happens with deliveries and garbage pickups and everything else that generates noise.'

To that end, Councillor Gaertner said wider consultations needed to take place targeting specific areas.

She was not alone in this call.

The report presented by staff said residents and stakeholders were consulted in March of 2020, with much of the consultation taking place over the Town's now-defunct online engagement platform PlaceSpeak. Just 70 responses were received through the survey and online forums.

'It simply isn't enough for me,' said Councillor John Gallo of the survey results. 'Nobody in their right mind could say [changing the noise bylaw on that basis] makes any sense to me. It might be a factor of the times maybe we have to figure out different ways of engaging the public because it is just not enough for me.'

A similar view was offered by Councillor Michael Thompson.

'There are always those concerns that when you make changes to an existing bylaw or adopt different standards that you're creating new problems and not necessarily solving them,' he said. 'I think the suggestion being put forward for more engagement and taking a little bit more time to communicate well the proposed changes and absorb any additional feedback that residents may have, I think is a good one.'

Councillor Harold Kim agreed that the Town should 'give it another try' on public engagement but had suggestions of his own.

'Frankly, given the history that we have had in terms of engagement success, I am not sure how much more engagement we're going to get, but it is certainly worth making multiple attempts to engage the public on such an important matter.'

'Once [additional consultation is completed] staff should consider a temporary one-year trial [or] whether we do it as a pilot project in one section of Town, I think that would give us some valuable information.'

By Brock Weir Editor Local Journalism Initiative Reporter