



The Corporation of the Township of Pickle Lake

By-Law No. 2024-29

Being a By-Law to Prohibit and Regulate Noise Within the Corporation of the Township of Pickle Lake

WHEREAS Section 129(a) of the Municipal Act, 2001, as amended (the "Act"), allows a municipality to prohibit and regulate with respect to noise, vibration, odour, dust, and outdoor illumination, including indoor lighting that can be seen outdoors;

WHEREAS, Section 129(b) of the Act allows a municipality to require the acquisition of a permit for an exemption to any provision regulated by a By-Law of the municipality with respect to noise, vibration, odour, dust, and outdoor illumination, including indoor lighting that can be seen outdoors, and may impose conditions for obtaining, continuing to hold, and renew the permit;

WHEREAS, Section 425 of the Act establishes that any person contravenes any By-Law of the Municipality passed under the Act, is guilty of an offence;

WHEREAS, Section 429 of the Act grants authority to a municipality to establish a system of fines or offences under a By-Law of the municipality passed under the Act;

WHEREAS, Section 436 of the Act grants a municipality the power to pass By-Laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with 1) a By-Law of the municipality passed under the Act; 2) a direction or order of the municipality made under the Act or made under a By-Law of the municipality passed under the Act; 3) a condition of a license issued under a By-Law of the municipality passed under the Act; or, 4) an order made under Section 431 of the Act; and

WHEREAS, the Council of The Corporation of the Township of Pickle Lake deemed there be a need to prohibit and regulate noise within the municipality;

NOW THEREFORE, the Council of The Corporation of the Township of Pickle Lake enacts as follows:

1. **Definitions**

For the purposes of this By-Law:

Audio Device – Any radio, television, stereo, or musical-sound-emitting instrument or device of any kind;

Corporation - The Corporation of the Township of Pickle Lake;

Council – The Council of the Corporation of the Township of Pickle Lake;

Compression Brake(s) or Modified Exhaust – The system that vehicles use to modify the engine valve operation to use engine compression to slow the vehicle, also known as “engine retarder brakes”, “compression release engine brake system”, and “jake brakes”, or modified exhaust emitting increased volume of the same.

Construction – the erection, alteration, repair, dismantling, demolition, structural maintenance, and painting of any structure; landscaping, excavation, blasting, and detonation of explosive devices other than fireworks; laying pipe and conduit whether above or below ground, street and highway building, concrete and asphalt laying; equipment installation of construction components and materials in any form or for any purpose, including associated or related work and/or equipment.

Motor Vehicle – any automobile, motorcycle, and any other conveyance propelled or driven otherwise than by muscular, gravitational, or wind power.

Municipality – The Corporation of the Township of Pickle Lake.

Noise – Any unwanted and unwarranted sound or vibration.

Point of Reception – Any point outside the originating location of a sound where the sound is clearly audible, and may include another structure, parcel of land, or highway.

Single Device – Any bell, horn, siren, and any other device used to amplify a sound.

Special Events – any demonstration, parade, sporting event, festival, carnival, midway, street dance, block party, and any other function that Council deems to be a Special Event.

Statutory Holiday – any holiday proclaimed as a Statutory Holiday or Public Holiday by the Government of the Province of Ontario or the Government of Canada, including but not limited to: New Year’s Day, Family Day, Good Friday, Victoria Day, Canada Day, Thanksgiving, Remembrance Day, Christmas Day, and Boxing Day.

Timber Industry Operations – any work including any equipment required to carry out such work.

Transmitting Device – any drum, horn, bell, radio, or mechanical loudspeaker, amplifier, or other instrument or device or sound-producing instrument or apparatus.

Unwanted – with respect to noise within the municipality, any noise which is unnecessary, and/or unwarranted.

2. Interpretation

2.1. This By-Law may be cited as the “Noise Control By-Law”.

2.2. All defined words in Section 1 of this By-Law are intended to reflect all possible forms of the word as required by this By-Law.

3. General Prohibitions

3.1. No person shall emit, cause, or permit the emission of an Unwanted noise at any time when the noise emitted is clearly audible at a Point of Reception resulting from:

3.1.1. The sound of any Audio Device, Single Device, or Transmitting Device;

3.1.2. The detonation of fireworks; and

3.1.3. The use of compression breaks or modified exhaust.

4. **Prohibitions by Time**

4.1. No person shall emit, cause, or permit the emission of Unwarranted Noise not otherwise specified in this By-Law between the hours of 11:00 p.m. and 7:00 a.m., Monday through Friday.

4.2. No person shall emit, cause, or permit the emission of Unwarranted Noise not otherwise specified in this By-Law between the hours of 12:00 a.m. and 7:00 a.m., Saturday to Sunday and/or Statutory Holiday.

5. **Exemptions**

5.1. The provisions of this By-Law do not apply to noises caused by:

5.1.1. The use, in a reasonable manner, of any Transmitting Device or Audio Device for the amplification of a human voice, or of music in a public park during any public celebration, or during any other gathering provided that prior written permission for the Noise is obtained from the municipality, including but not limited to:

5.1.1.1. Canada Day, concerts, parades, carnivals, midways, ceremonies, ceremonial drumming, and any other Special Event set out by Council.

5.1.2. Any motor vehicle other than emergency services, i.e. ambulances, fire service, and police.

5.1.3. Emergency work conducted by or on behalf of the municipality.

5.1.4. The use or operation of any equipment, machines, or facilities associated with Timber Industry Operations or the noise produced from or associated with Timber Industry Operations.

5.2. Notwithstanding any provision of this By-Law, any person may take an application to Council to be granted an exemption from any provision of this By-Law with respect to any noise they intend to emit, cause to emit, or permit to emit, for which they would otherwise be liable to a penalty as provided for under this By-Law, and Council may, by Resolution:

5.2.1. Grant requested exemption;

5.2.2. Refuse to grant requested exemption;

5.2.3. Grant an exemption of lesser effect.

Any exemption granted by Council shall not exceed a period of six (6) months and shall specify the period during which the exemption is in force. The council may impose such terms and conditions on the exemption as it deems appropriate. All decisions with respect to the granting of exemptions made by Council shall be deemed final.

5.3. Every request for an exemption to any provision of this By-Law shall be made in accordance with Section 5.2 and shall be submitted to the Council no less than thirty (30) days prior to the event date for which an exemption is requested. Every request for an exemption made to Council shall be made in writing and shall contain the following information:

5.3.1. The name and address of the applicant;

5.3.2. The address of the applicant;

5.3.3. The address of the proposed event for which the exemption is requested;

5.3.4. A description of the source of the noise in respect of which the exemption is sought;

5.3.5. The time(s) during which the noise will be produced;

5.3.6. The period, not to exceed six (6) months, for which the exemption is requested; and

5.3.7. Where and/or when applicable, written evidence of concurrence from neighboring property owners, and those individuals that may be affected by such exemption.

See the application form attached hereto as "Schedule A".

5.4. No person shall breach any requirement, condition, or other Council imposed term(s) of an exemption granted by Council. Such a breach shall render the exemption null and void and the person to whom the exemption was granted shall be guilty of an offence and liable to a penalty as provided under this By-Law.

6. **Enforcement, Offence, and Penalties**

6.1. This By-Law shall be enforced using the powers granted to municipalities under Part XIV of the Municipal Act, 2001, including Sections 435, and 436.

6.2. Every person who contravenes any provision of this By-Law is guilty of an offence and, if convicted, is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, see "Schedule B".

6.3. The municipality shall make an application to the Ministry of the Attorney General of Ontario for approval of Short-Form Wordings and Set Fines in accordance with the Set Fines schedule approved by Resolution of Council, and such fines shall come into effect upon the approval of, or amendment by the Attorney General of Ontario or their designate.

- 6.4. Staff shall be authorized to make changes to the By-Law or Set Fine Schedule without amendment to the By-Law or resolution of the Council, if so, recommended by the Attorney General or their designate for the Set Fines to be approved.
- 6.5. The Council may, by resolution, amend the Set Fines under this By-Law at any time. Any amendment made to the Set Fines by resolution of the Council will come into force upon approval of the Attorney General or their designate.

7. **Severability**

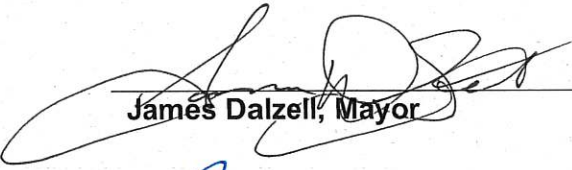
- 7.1. If any person or part of a provision of this By-Law is declared by any court of tribunal of competent jurisdiction to be illegal or inoperative, in whole or part, or inoperative in particular circumstances, the balance of the By-Law or its application in any other circumstances, shall not be affected and shall continue to be in full force and effect.

8. **Effective Date**

- 8.1. This By-Law shall come into force and effect on the date of passing thereof.

READ A FIRST AND SECOND TIME THIS 5th DAY OF DECEMBER 2024.

READ A THIRD AND PASSED THIS 5th DAY OF DECEMBER 2024



James Dalzell, Mayor



Lynda Colby, Clerk



The Corporation of the Township of Pickle Lake

By-Law No. 2024-29

Being a By-Law to Prohibit and Regulate Noise Within the Corporation of the Township of Pickle Lake – Schedule A

Part I of the Provincial Offences Act

SET FINE SCHEDULE

No.	Short Wording	By-Law Provision	Fine Amount
1	Emit, cause or permit unwarranted sounding of audio, signal, or transmitting device	3.1.1	\$100.00
2	Emit/cause/permit persistent detonation of fireworks	3.1.2	\$250.00
3	Use or cause or permit the use of compression brakes or modified exhaust	3.1.3	\$150.00
4	Emit/cause/permit unwarranted noise between the hours of 11:00 p.m. and 7:00 a.m. Monday through Friday	4.1	\$150.00
5	Emit/cause/permit unwarranted noise between the hours of 12:00 a.m. and 7:00 a.m. Saturday to Sunday and/or Statutory Holiday	4.2	\$150.00
6	Permit or breach of terms of exemption	5.4	\$150.00



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Exemption Application

Applicant Information

Full Legal Name: _____

Business Name/No.: _____

HST No.: _____

Mailing Address: _____

Street Name, including P.O. Boxes, and R.R. #.

City

Province

Postal Code

Phone Number: () _____ Email: _____

Description of Event/Noise to be Emitted

For Office Use Only

Application Date: _____ Application No.: _____

Exemption Approved: _____ Exemption No.: _____

Approved By: _____ Approval Date: _____

Effective Date: _____ Expiry Date: _____



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Exemption

Granted Exemption within the Township of Pickle Lake per By-Law No. 2024-29

Full Legal Name: _____

Business Name/No.: _____

HST No.: _____

Application No.: _____

Exemption No.: _____

Approved By: _____

Approval Date: _____

Effective Date: _____

Expiry Date: _____