

THE CORPORATION OF THE MUNICIPALITY OF CALLANDER

BY-LAW NO. 2024-1997

**Being a By-law to regulate noise within the Municipality of Callander
and to repeal By-laws 2013-1374, 2014-1411, 2016-1497, 2017-1540
and 2018-1574**

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 (hereinafter referred to as the “Municipal Act”) provides that the powers of a municipality under the Municipal Act or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS subsection 8(3) of the Municipal Act, S.O. 2001, c.25, as amended, provides that a By-law under Section 10 of that Municipal Act respecting a matter may regulate or prohibit and, as part of the power to regulate or prohibit respecting the matter, may require a person to do things respecting the matter, or may provide for a system of licenses respecting the matter;

AND WHEREAS Section 9 of the Municipal Act, S.O. 2001, c.25, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS Section 10(1) of the Municipal Act, S.O. 2001, c.25, as amended, authorizes the Municipality of Callander to provide any service or thing that the Municipality considers necessary or desirable for the public;

AND WHEREAS pursuant to Section 10(2) of the Municipal Act, S.O. 2001, c.25, a municipality may pass by-laws respecting the environmental well-being of the municipality, the health, safety and well-being of the persons and the protection of persons and property;

AND WHEREAS Section 28(2) of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F,31, provides that a Municipality may collect and retain personal information that is used for the purposes of law enforcement or necessary for the proper administration of a lawfully authorized activity;

AND WHEREAS pursuant to Section 55(1)(2) the Community Safety and Police Act, S.O. 2019, c. 1, authorizes the municipality to appoint persons to enforce the by-laws of a municipality and that Municipal Law Enforcement Officers appointed under this section are Peace Officers for the purpose of enforcing municipal by-laws;

AND WHEREAS Section 128 of the Municipal Act, 2001, R.S.O. 2001. C. 25, as amended, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that in the opinion of Council are or could become public nuisances;

AND WHEREAS Section 129 of the Municipal Act, 2001, R.S.O. 2001. C. 25, as amended, provides that a municipality may pass By-laws to prohibit and regulate with respect to noise;

AND WHEREAS in the opinion of Council for the Municipality of Callander, that for the benefit of individuals and the public at large, there must be regulations and prohibitions to the making of noise;

AND WHEREAS in the opinion of Council for the Municipality of Callander, excessive sounds and inadequately controlled noise may impair public health, safety and welfare and could become a public nuisance;

AND WHEREAS Section 425(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes the Municipality of Callander to pass By-laws providing that a person who contravenes a By-law of the Municipality of Callander passed under that Act is guilty of an offence;

AND WHEREAS pursuant to Section 426 of the Municipal Act, S.O. 2001, c.25, no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under this Act;

AND WHEREAS pursuant to Section 436 of the Municipal Act, S.O. 2001, c.25, a By-Law Enforcement Officer may enter upon any land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this by-law;

AND WHEREAS pursuant to Section 446(2) of the Municipal Act, R S.O. 2001, c.25, or the purpose of subsection (1), the Municipality may enter upon land at any reasonable time;

NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Municipality of Callander hereby enacts as follows:

PART 1 – DEFINITIONS

- 1.1 **"Appliance"** means a household device whether fixed or portable;
- 1.2 **"Applicant"** means a person or persons seeking a temporary exemption from the provisions and requirements of this By-law;
- 1.3 **"Clerk"** means the Municipal Clerk for the Municipality of Callander, or his or her designate.
- 1.4 **"Construction"** includes but not restricted to, by any owner or person, erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose and includes any work in connection therewith;
- 1.5 **"Construction equipment"** means any equipment or device intended for use in construction or material handling including but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers, or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling
- 1.6 **"Conveyance"** includes a vehicle and any other device employed to transport a person or persons or goods from place to place but does not include any such device or vehicle if operated within a building;
- 1.7 **"Council"** means the Council of the Corporation of the Municipality of Callander;
- 1.8 **"Highway"** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof, and "street" and "road" shall have a like meaning;
- 1.9 **"Holiday"** means a statutory holiday including New Year's Day, Family Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, Civic holiday, Labour Day, Thanksgiving Day, Christmas Day, and Boxing Day;
- 1.10 **"Motorized conveyance"** means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- 1.11 **"Municipality"** means the Corporation of the Municipality of Callander;

- 1.12 **"Officer"** means a By-law Enforcement Officer appointed by the Corporation of the Municipality of Callander for the purposes of enforcement of its By-laws and includes a sworn police officer as defined in the Community Safety and Police Act;
- 1.13 **"Owner"** means the registered owner of the land from which the noise originates and/or includes a person using or in possession of the property or a trustee acting on behalf of the registered owner, the estate of a registered owner and a person with a leasehold interest in the land;
- 1.14 **"Permit"** means a permit or written authorization (Schedule C) of a temporary or permanent nature, issued by the Clerk or designated person, which provides an exemption(s) to the requirements and provisions of this By-law;
- 1.15 **"Person"** includes a person, firm, association, co-partnership, joint venture, corporation or any entity, public or private in nature;
- 1.16 **"Point of reception"** means any place where sound or vibration originating from other than the place it is received;
- 1.17 **"Public park"** means any open space or recreational area, owned or controlled by the Municipality of Callander or any board or commission or other authority established under any statute of the Province of Ontario and may include one or more athletic fields, field houses, community centers, bleachers, swimming pools, bandstands, skating rinks, tennis courts, bowling greens, boat liveries, bathing stations, curling rinks, refreshment rooms, fairgrounds, arenas or similar uses.

PART 2 – APPLICATION

- 2.1 Except as otherwise provided, this By-law shall apply to every person in the Municipality of Callander.

PART 3 – GENERAL PROHIBITION

- 3.1 No person or owner shall emit, cause or permit or allow to emit, the emission of noise, which is clearly audible to a person at a point of reception, resulting from an act including, but not limited to, those identified in schedule "A" attached hereto and forming part of this By-law.
- 3.2 Notwithstanding Section 3.1, no person or owner shall emit, cause or permit to emit, the emission of noise, which is clearly audible to a person at a point of reception that is deemed to be unreasonable by the By-law Enforcement Officer, Police Officer or any other entity authorized to enforce this By-law.

PART 4 – OPINION OF COUNCIL

- 4.1 Without limiting the generality of Section 2 of this By-law, the noises from the sources described in Schedule "A" are noises which, in the opinion of Council are unreasonable and are or could become public nuisances.

PART 5 – PROHIBITION OF SOUNDS OF SPECIFIC ORIGIN

- 5.1 No person shall, subject to the exceptions under Section 6, make, cause, or permit to be made the particular noises which can be heard by a person at a point of reception during prohibited periods of time and place relating to specific operations as set out in Schedule "A" attached which forms a part of this By-law.

PART 6 – EXCEPTIONS

- 6.1 The provisions of this By-law shall not apply to any sound caused by:
- a) the sound of a church bell or chime,
 - b) audible traffic signals,
 - c) police officers, fire fighters, and operators of emergency vehicles or municipal employees in the conduct of their lawful duty,
 - d) the operation of a street sweeper, snow removal equipment, parks and public works maintenance machines and equipment by or on behalf of the Municipality, or other institutional uses within the Municipality of Callander limits,
 - e) all activities permitted and authorized by the Municipality,

- f) all activities in connection with emergency measures undertaken for the immediate health, safety or welfare of the inhabitants or any of them, or for the preservation or restoration of property, or
- g) for which a temporary noise permit has been issued in accordance with Section 7 of this By-law.

PART 7 – TEMPORARY NOISE PERMIT

- 7.1 Notwithstanding anything contained in this By-law, any person may make application to the Clerk or designated person, of the Municipality of Callander to be granted an exemption from any of the provisions of this By-law. The application for the issuance of a Temporary Noise permit shall be made in writing at least forty-five (45) days prior to the commencement of the requested exemption and shall contain;
- a) the name of the applicant,
 - b) a description of the source of sound in respect of which exemption is sought,
 - c) the particular provision of the By-law from which this exemption is sought,
 - d) the period of time for which the exemption is sought,
 - e) a non-refundable fee as outlined in the current Fees and Charges By-law, and
 - f) the reason why the exemption should be granted.
- 7.2 Any Temporary Noise Permit issued under this By-law shall expire on the date set out on the temporary noise permit, or if no date is set out on the Temporary Noise Permit, the permit shall expire forty-eight (48) hours after its issuance.
- 7.3 Any breach by the holder of the Temporary Noise Permit or any of its terms or conditions shall render the Temporary Noise Permit null and void.
- 7.4 No holder of a temporary noise permit shall:
- a) fail to comply with the terms and conditions of the Temporary Noise Permit, and
 - b) permit the terms and conditions of the Temporary Noise Permit to be violated.
- 7.5 An applicant has fourteen (14) days from the date of the notification to appeal the decision related to the Temporary Noise Permit to Council.
- 7.6 A request for an appeal of a decision regarding the application for a Temporary Noise Permit shall be in writing and submitted to the Clerk.
- 7.7 The request for appeal shall be considered by Council at the next meeting of Council where a quorum of Council is present.
- 7.8 Council has the authority to revoke, suspend, cancel, amend or sustain the temporary permit and to set terms and conditions for the Temporary Noise Permit.
- 7.9 Council will notify the applicant in writing within fourteen (14) days of its decision.
- 7.10 An applicant who has been granted a Temporary Noise Permit shall make that permit available for viewing to a By-Law Enforcement Officer, or designate, upon request.
- 7.11 An applicant who has been granted a Temporary Noise Permit shall provide notice of the issue of the Temporary Noise Permit, the period of time for which the exemption has been granted and a description of the source of the sound for which the exemption has been granted to persons impacted or likely to be impacted by the issuance of the Temporary Noise Permit.
- 7.12 The notice referred to in Section 7.11 of this By-law shall be provided to persons impacted or likely impacted by the issuance of the Temporary Noise permit at least forty-eight (48) hours prior to the commencement of the time period for which the Temporary Noise Permit has been granted.

PART 8 – ADMINISTRATION AND ENFORCEMENT

- 8.1 An Officer may, at all reasonable times, enter upon land for the purpose of carrying out an inspection, taking photographs and obtaining evidence to determine whether the provisions of the By-law are being observed or to enforce this By-law.
- 8.2 An Officer may be accompanied by other Municipal employees/agents for inspection and/or enforcement purposes.

8.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer or employee/agent of the Municipality of Callander accompanying or acting under the direction of the Officer in exercising a power or performing a duty under this By-law. Any person who is alleged to have contravened any of the provisions of this By-law shall identify him/herself to an Officer upon request. Failure to identify upon request shall be deemed as obstruction of the Officer.

PART 9 – PENALTY

9.1 Every person who contravenes any provisions of this By-law, including an order issued under this By-law, is guilty of an offence and upon conviction is liable to pay a fine as provided under the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

9.2 For the purpose of this By-law, each day of a continuing offence shall be deemed to be a separate offence.

PART 10 – VALIDITY

10.1 If any section, clause, or provision of this Bylaw, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all remaining sections, clauses, or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

PART 11 – CORRECTIONS

11.1 That minor modifications or corrections of a typographical nature where such modifications or corrections do not alter the intent of the by-law may be made by the Municipal Clerk.

PART 12 – REPEAL

12.1 That By-law Nos. 2013-1374, 2014-1411, 2016-1497, 2017-1540, and 2018-1574 are hereby repealed once By-law 2024-1997 comes into force.

PART 13 – SHORT TITLE

13.1 This By-Law shall be known as the “Noise By-law”.

PART 14 – EFFECTIVE DATE

14.1 That this By-law shall come into force on the 1st day of February 2025.

TAKEN AS READ A FIRST TIME THIS 10TH DAY OF DECEMBER 2024.

READ A SECOND TIME THIS 10TH DAY OF DECEMBER 2024.

READ A THIRD TIME AND FINALLY PASSED THIS 10TH DAY OF DECEMBER 2024.

Robb Noon, Mayor

Cindy Pigeau, Municipal Clerk

SCHEDULE A

TO NOISE BY-LAW NO. 2024-1997

	PARTICULARS OF NOTICE	PROHIBITED PERIOD
1	The operation of any construction equipment in connection with construction, unless otherwise exempt under the provisions of this By-law.	11:00 PM one day to 7 AM the next day To 8 AM on Saturdays To 9 AM on Sundays and Holidays
2	The operation of any construction equipment without the originally installed muffling devices or their equivalent in good working order and in constant operation.	At anytime
3	The operation of a combustion engine which is, or is used in, or is intended to be used in, a toy or a model or replica of a larger device, which model or replica has no function other than amusement, and which is not a conveyance.	11:00 PM one day to 7 AM the next day To 8 AM on Saturdays To 9 AM on Sundays and Holidays
4	The operation of any motorized conveyance other than on a highway or other place intended for its operation.	11:00 PM one day to 7 AM the next day To 8 AM on Saturdays To 9 AM on Sundays and Holidays
5	The venting, release or pressure release of air, steam or other gaseous material, product or compound from any autoclave, boiler, pressure vessel pipe, valve, machine, device or system.	11:00 PM one day to 7 AM the next day To 8 AM on Saturdays To 9 AM on Sundays and Holidays
6	The operation of any powered or non-powered tool for domestic or commercial purposes, used for, but not limited to, lawn, garden, building or property maintenance or the removal or management of snow.	11:00 PM one day to 7 AM the next day To 8 AM on Saturdays To 9 AM on Sundays and Holidays
7	The operation of solid waste bulk lift or refuse compacting equipment.	11:00 PM one day to 7 AM the next day To 8 AM on Saturdays To 9 AM on Sundays and Holidays
8	Any unreasonable yelling, shouting, hooting, whistling, singing, music or similar sounds whether amplified by any means or not.	11:00 PM one day to 7 AM the next day To 8 AM on Saturdays To 9 AM on Sundays and Holidays
9	The operation of a sound emitting pest device.	11:00 PM one day to 7 AM the next day To 8 AM on Saturdays To 9 AM on Sundays and Holidays
10	Racing any motorized conveyance other than in a racing event regulated by law.	Anytime
11	The operation of a motor vehicle in such a way that the tires squeal.	Anytime
12	The operation of a combustion engine without an effective exhaust muffling device in good working order and in constant operation.	Anytime

13	The operation of any auditory signaling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds except where required or authorized in accordance with good safety practices or for accessibility purposes.	11:00 PM one day to 7 AM the next day To 8 AM on Saturdays To 9 AM on Sundays and Holidays
14	Loading, unloading, delivering, packing or otherwise handling any containers, produce, materials or refuse unless necessary for the maintenance of essential services or the preservation of perishable goods.	11:00 PM one day to 7 AM the next day To 8 AM on Saturdays To 9 AM on Sundays and Holidays
15	Persistent barking or other persistent noise by any domestic pet.	Anytime
16	The operation of any motorized conveyance for the purpose of maintenance, removal or management of snow on private or commercial property.	11:00 PM one day to 7 AM the next day To 8 AM on Saturdays To 9 AM on Sundays and Holidays

SCHEDULE B

TO NOISE BY-LAW NO. 2024-1997
PENALTIES – SECTION 18
THE MUNICIPALITY OF CALLANDER

SET FINES PART 1 – PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Fail to comply with temporary noise permit	Part 7.4	\$200.00
2	Operate construction equipment at prohibited time	Part 5, Schedule A (1)	\$150.00
3	Operate construction equipment without muffler	Part 5, Schedule A (2)	\$150.00
4	Operate combustion engine in model at prohibited time	Part 5, Schedule A (3)	\$150.00
5	Operate motorized conveyance at prohibited time	Part 5, Schedule A (4)	\$150.00
6	Venting air/steam at prohibited time	Part 5, Schedule A (5)	\$150.00
7	Operate tool at prohibited time	Part 5, Schedule A (6)	\$150.00
8	Operate bulk lift at prohibited time	Part 5, Schedule A (7)	\$150.00
9	Noise, yelling, shouting, singing	Part 5, Schedule A (8)	\$150.00
10	Operate pest control device at prohibited time	Part 5, Schedule A (9)	\$150.00
11	Racing motorized conveyance	Part 5, Schedule A (10)	\$150.00
12	Operate a motor vehicle in such a way that the tires squeal.	Part 5, Schedule A (11)	\$150.00
13	Operate a combustion engine without effective exhaust muffling device	Part 5, Schedule A (12)	\$150.00
14	Operation of an auditory signaling device	Part, Schedule A (13)	\$150.00
15	Loading, unloading containers	Part 5, Schedule A (14)	\$150.00
16	Persistent barking, whining or other similar persistent noise making by any domestic pet	Part 5, Schedule A (15)	\$150.00
17	Operate motorized conveyance snow maintenance	Part 5, Schedule A (16)	\$150.00
18	Obstruct Officer/employee/agent performing duty	Part 8.3	\$750.00

Note:

The general penalty provision for the offences listed above is PART 9 of By-law 2024-1997, a certified copy of which has been filed and s. 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended

SCHEDULE C

TO NOISE BY-LAW NO. 2024-1997



Application for Exemption to Noise By-law 2024-1997

**Collection Notice* To the extent that the foregoing information constitutes personal information as defined in the Municipal Freedom of Information and Protection of Privacy Act, R. S. O. 1990, C M. 56 as amended, the information is subject to the provisions of that Act and will be used for the purposes indicated or implied by this form. Questions about the collection of personal information should be directed to the Municipal Clerk, Municipality of Callander, 280 Main Street North, Callander, ON POH 1H0.*

Applicant Details

Name: _____
Address: _____
Telephone Number: _____
Email: _____

Activity Details

Description of Activity: _____
Date of Activity: _____
Time of Activity: _____
Number of Attendees _____
(if applicable):
Location of Activity: _____
Contact Name During Activity: _____
Contact Phone Number: _____
Describe the source of the sound _____
for which the exemption is _____
requested, and the reason(s) why _____
the exemption should be granted. _____



I, _____ have read and understood this application form and agree to pay the application fee outlined in the current Fees and Charges By-law. I acknowledge that being granted an exemption to Noise By-Law 2024-1997 may contain conditions as set out by the by-law officer for the Municipality of Callander.

Signature: _____

Date: _____

Applications shall be submitted to info@callander.ca or in person to the Municipal Office. Payments can be made in cash, by cheque, or by debit.