



BYLAW: 5270
DATE OF CONSOLIDATION: August 31, 2021

Amendment History:

<i>Bylaw 6014</i>	Section 4(5) – Deletes “Lethbridge Regional Police Services” and replaces with “Lethbridge Police Service”

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Last Revised: October 17, 2016
Effective Date: October 17, 2016
Bylaw 6014

A CONSOLIDATION OF A BYLAW OF
THE CITY OF LETHBRIDGE TO PROHIBIT CERTAIN
ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE
AND RESTRICT THE HOURS WHEN CERTAIN SOUNDS MAY BE MADE

WHEREAS the Municipal Government Act, R.S.A. 2000, Chapter M-26, provides that a Council may pass bylaws for municipal purposes respecting the following matters:

- a) the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the incidence of noise in the City of Lethbridge is such that the Council of the City of Lethbridge deems it expedient that a bylaw be made restricting, mitigating and abating activities, which give, rise to unnecessary noise in the City, especially during hours normally used for sleeping;

AND WHEREAS the intent of this ~~b~~Bylaw is that all noise shall be reduced as far as possible compatible with the normal activities and that unnecessary noise be eliminated.

NOW THEREFORE THE COUNCIL OF LETHBRIDGE, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This ~~b~~Bylaw may be cited as "The Noise Bylaw".
2. In this ~~b~~Bylaw:
 - (a.01) "BYLAW ENFORCEMENT OFFICER" means any person appointed by the City pursuant to provisions of section 555 of the Municipal Government Act, R.S.A. 2000, c. M-26; a peace officer appointed pursuant to the Peace Officer Act, S.A. 2006, c. P-35; or a police officer under the Police Act, R.S.A. 2000, c. P-17;"
 - (a) "CITY" means the Corporate of the City of Lethbridge or the area contained within the boundaries of the City as the context requires.
 - (b) "CITY MANAGER" shall mean the City Manager of the City of Lethbridge ~~and anyone acting or authorized by the City Manager to act on his behalf or delegate.~~
 - (c) "HOLIDAY" means any statutory holiday as defined in the *Interpretation Act, R.S.A. 2000, c. I-8, as amended or replaced.*
 - (d) "HOSPITAL ZONE" means an area which:

- (i) is designated as such by signs or other devices, or
 - (ii) any portion of the City within 500 feet in any direction from the boundaries of the site on which is situated a hospital as defined in the *Hospitals Act, R.S.A 2000, c. H-12*, as amended or replaced.
- (e) ~~“INDUSTRIAL ZONE” includes lands in Districts defined as I-B (Business Industrial District), I-G (General Industrial District) and I-H (Heavy Industrial District) in the Land Use Bylaw.~~
- (e.1) ~~“MUNICIPAL TAG” means a ticket alleging an offence, issued pursuant to the authority of a bylaw of the City;”~~
- (f) “NIGHTTIME” means the period beginning at 10:00 P.M. and ending the following day at:
- (i) 7:00 A.M. if the following day is a ~~W~~weekday; or
 - (ii) 9:00 A.M. if the following day is a ~~W~~weekend.
- (f.1) ~~“PERSON” means an individual or a business entity including a firm, partnership, association, corporation or society;”~~
- (g) ~~“RESIDENTIAL BUILDING” includes lands in Districts defined as Residential Districts in the Land Use Bylaw.~~
- (h) “SIGNALLING DEVICE” means a horn, gong, bell, klaxon or other device producing an audible sound for the purpose of drawing a person’s attention to an approaching vehicle, including a bicycle.
- (i) ~~“VIOLATION TICKET” means a violation ticket as defined under the Provincial Offences Procedure Act, R.S.A. 2000 c. P-34, as amended or replaced. any ticket which is authorized by the Municipal Government Act, R.S.A. (2000), Chapter M-26, or under the Provincial Offences Procedures Act, R.S.A. (2000), Chapter P-34, issued for any bylaw offence in which a penalty may be paid out of court in lieu of appearing to answer a summons.~~
- (j) “WEEKDAY” means any day other than a Sunday or a ~~h~~Holiday.
- (k) “WEEK-END” means Sunday and any other ~~h~~Holiday.
- (l) “THE LAND USE BYLAW” means Bylaw No. 4100, The Land Use Bylaw of the City of Lethbridge as amended from time to time or any bylaw passed in substitution for or in addition to Bylaw No. 4100.

3.

- (1) Except to the extent allowed under this ~~b~~Bylaw, no ~~P~~person shall make, continue to make or cause or allow to be made or continued any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace or safety of

other Ppersons within the limits of the City.

- (2) What constitutes a loud noise, an unnecessary noise, an unusual noise or a noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others is a question of fact to be determined by the Court which hears the prosecution of an offence against this bBylaw.
- (3) Where an activity which is not specifically prohibited or restricted by any legislation of Canada or the Province of Alberta or by this bBylaw involves making a sound, which:
 - a. is or may be or may become; or
 - b. creates or produces or may create or produce;

a disturbance or annoyance to other people or a danger to the comfort, repose, health, peace or safety of others, a Pperson engaged in that activity shall do so in a manner creating as little as practicable under the circumstances.

- (4) No Pperson shall:
 - a. make or carry on any objectionable or disruptive noise making activity in a Hospital Zone unless it cannot be carried on in some other area; ~~or.~~
 - b. ~~make or continue any noise or sound within a Hospital Zone.~~

4.

- (1) The failure of a Pperson to comply within the City with the following provisions of the *Traffic Safety Act, R.S.A. 2000, c. T-6* and Regulations:
 - (a) The prohibition against the use of sSignalling dDevices on motor vehicles, motorcycles, or bicycles so as to make more noise than is reasonably necessary for the purpose of giving notice or warning to other Ppersons on the highway; ~~as set out in subsection (2) of Section 63 of the Highway and Rules of the Road Regulation;~~
 - (b) The restrictions on the type or use of mufflers and similar equipment on motor vehicles, as set out in Section 61(4) of the *Vehicle Equipment Regulation 122/2009*;
 - (c) The prohibition against equipping a vehicle other than those specified with a siren, as set out in Section 774 of the *Vehicle Equipment Regulation 122/2009*;

constitutes a violation of this bBylaw in addition to and not in substitution for the offence under the *Traffic Safety Act, S.A. 2003 R.S.A. 2000, c. T-6*.

- (2) Where a Pperson operates a vehicle of any type on a street in a Rresidential developmentZone at any time in such a way as to unduly disturb the residents of that street, he is guilty of an offence under this bBylaw in addition to and not in substitution for any offence of which he may be guilty under Section 13(1)(g)(iii) of the Traffic Safety Act.
- (3) No Pperson may activate or apply engine retarder brakes in the City.
- (4) Where a vehicle is equipped with a siren under Section 7477 of the Vehicle Equipment Regulation 122/2009, the driver thereof shall only use the siren when the vehicle is proceeding in response to an emergency call.
- (5) Subsection (4) does not apply to the use of a siren on a vehicle operated by a member of the Royal Canadian Mounted Police, a member of the Lethbridge Police Service or a Special Constable.

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5.

- (1) Nothing in this bBylaw shall prevent the continual operation or carrying on of an industrial activity where the activity is one which:
 - (a) is a permitted use; or
 - (b) is an approved discretionary use; or
 - (c) is a non-conforming, but not illegal, use as defined in the *Municipal Government Act, R.S.A. 2000, Chapter M-26*.
- (2) In the operation or carrying on of an industrial activity, the Pperson operating or carrying on that activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.

6.

No Pperson shall operate an Qoutdoor Sspeaker Ssystem on a parcel where a property line of the parcel is within 150 meters of a Rresidential Ddevelopment during the period beginning at 11:00 P.M. and ending at 9:00 A.M. the following day.

7.

- (1) A Pperson must not operate:
 - (a) a motorized garden tool;
 - (b) a power tool outside any building or structure;
 - (c) a model aircraft driven by an internal combustion engine of any kind; or
 - (d) a snow clearing device powered by an engine of any kind;

in a Rresidential Ddevelopment during the nNighttime.

- (2) A Pperson who owns, keeps, houses, harbors, or allows to stay on his premises an animal which by reason of barking, or howling, disturbs

~~P~~ersons in the vicinity of his home is guilty of an offence under this ~~b~~Bylaw.

- (3) A ~~P~~erson who owns, occupies or controls a ~~T~~ruck-~~T~~ractor or ~~T~~ractor-~~T~~railer must not at any time allow it to remain running for longer than 20 minutes when it is stationary in ~~a Residential District~~ or within 150 meters of a ~~R~~esidential ~~D~~evelopment.
- (4) A ~~P~~erson must not use a ~~s~~ignalling ~~e~~Device to promote or advertise the sale of ice cream or any other foodstuffs in a Residential District during ~~n~~ighttime.

8.

- (1) Unless written permission from the City Manager is first obtained, no ~~P~~erson shall carry on the construction of any type of structure which involves hammering, sawing or the use of any machines, tools or equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried on in any ~~D~~istrict other than one designated in ~~T~~he Land Use Bylaw as ~~Urban Reserve Future Urban Development~~ during the ~~n~~ighttime.
- (2) Subsection (1) does not apply to the work of an exigent nature being carried on by ~~a City D~~epartment, ~~U~~tility ~~C~~ompany or contractor acting on their behalf.

9. Notwithstanding any other provision of this ~~b~~Bylaw, where an open area is provided for parking ~~of patrons or employees~~ in connection with a retail store, office, or medical and health facility, the owner or ~~P~~erson in charge of the parking area, after having obtained written permission from the City Manager and making no more noise than is reasonably necessary in connection therewith may use a machine for clearing snow or debris from that open area during such hours as is necessary or expedient to keep that area clear of snow and debris.

~~10. Upon the issuance of a ticket for a breach of any of the Sections of the bylaw a specified penalty of ONE HUNDRED (\$100.00) DOLLARS and upon production of any such notice or ticket within twenty-one (21) days from the date of service of such notice, together with the payment of the sum specified to any registry office or Alberta Provincial Court such payment shall be accepted in lieu of prosecution.~~

~~(a) If the person upon whom any such notice or ticket is served fails to pay the said sum within the time allotted, the provisions of this Section shall no longer apply.~~

~~(b) Nothing in this Section shall:~~

~~(i) prevent any person from exercising his right to defend any charge of committing a breach of this bylaw.~~

- ~~(ii) — prevent any person from laying an information and Complaint against any other persons for committing a breach of any of the provisions of this bylaw.~~
 - ~~(iii) — prevent any Bylaw Enforcement Officer or Peace Officer from laying an Information and Complaint against any other person or owner for an alleged breach of this bylaw whether or not such other person or owner has made a payment under this Bylaw.~~
 - ~~(c) — Where any person has made a payment to the provisions of this Section and is prosecuted for the offence in respect of which such payment has been made, such payment shall be refunded.~~
 - ~~(d) — Notwithstanding Section (c):~~
 - ~~(i) — where any person contravenes the same provision of this bylaw twice within one twelve month period, the specified penalty payable in respect of the second contravention is TWO HUNDRED (\$200.00) DOLLARS, and~~
 - ~~(ii) — where any person contravenes the same provision of this bylaw three or more times within one twelve month period, the specified penalty payable in respect of the third or subsequent contravention is THREE HUNDRED (\$300.00) DOLLARS.~~
- 10. A Person who contravenes any provision of this Bylaw is guilty of an offence.
- 10.1 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine of an amount not less than that established by this Bylaw for each such day.
- 10.2 A Person who is guilty of an offence is liable to a fine in an amount not less than that established in this Bylaw, and not exceeding \$10,000, and in default of payment of any fine imposed, to imprisonment for not more than six (6) months for non-payment of a fine.
- 10.3 Without restricting the generality of subsection (1) the specified fine amounts established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered are:
 - (1) ONE HUNDRED (\$100.00) DOLLARS for a breach of any of the sections of this Bylaw; and
 - (2) Where any Person contravenes the same provision of this Bylaw twice within one twelve (12) month period, the specified penalty payable in respect of the second contravention is double the amount shown in section 10.3(1) of this Bylaw in respect of that provision; and

- (3) Where any Person contravenes the same provision of this Bylaw three or more times within one twelve (12) month period, the specified penalty payable in respect of the third or subsequent offence is triple the amount shown in section 10.3(1) A of this Bylaw in respect of that provision.

10.4 A Bylaw Enforcement Officer is authorized to issue a Municipal Tag to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

10.5 A Municipal Tag may be issued to a Person:

- (1) personally; or
- (2) by mailing a copy to the Person at their last known address

10.6 A Municipal Tag must include:

- (1) the name of the Person;
- (2) the offence;
- (3) the specified penalty established by this Bylaw for the offence; and
- (4) that the penalty must be paid within twenty-one (21) days of the issuance of the Municipal Tag.

10.7 Where a Municipal Tag is issued pursuant to this Bylaw, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified within the time period indicated on the Municipal Tag.

10.8 If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Bylaw Enforcement Officer is authorized to issue a Violation Ticket pursuant to the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34 ("POPA").

10.9 Notwithstanding section 10.8, a Bylaw Enforcement Officer is hereby authorized to immediately issue a Violation Ticket pursuant to POPA to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

10.10 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- (1) specify the fine amount established by this Bylaw for the offence; or
- (2) require a Person to appear in Court without the alternative of making a voluntary payment.

A Person who commits an offence may:

10.11

- (1) if a Violation Ticket is issued in respect of the offence; and
- (2) if the Violation Ticket specifies the fine amount established in this Bylaw for the offence

make a voluntary payment to the court, on or before the initial appearance date indicated on the Violation Ticket, in the amount of the specified penalty set out on the Violation Ticket.

10.12 The levying and payment of any fine for any period provided in this Bylaw does not relieve a Person from the necessity of paying any permit fees, charges or costs from which the Person is liable under the provisions of this Bylaw.

10.13 If the City Manager believes, on reasonable grounds, that a Person is contravening any provision of this Bylaw, the City Manager may, by written order, require any Person responsible for the contravention to remedy it.

10.14 An order issued pursuant to section 10.13 may:

- (1) direct a Person to stop doing something, or to change the way in which the Person is doing it;
- (2) direct a Person to take any action or measures necessary to remedy the contravention of the Bylaw and, if necessary, to prevent a re-occurrence of the contravention;
- (3) state a time within which the Person must comply with the directions; or
- (4) state that if the Person does not comply with the directions within a specified time, the City will take the action or measure.

10.15 A Person named in and served with an order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.

10.16 An order issued pursuant to section 10.13 may be served:

- (1) in the case of an individual:
 - (a) by delivering it personally to the individual;
 - (b) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or
 - (c) by mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the City or at the Land Titles registry;

- (2) in the case of a corporation:
 - (a) by delivering personally to any director or officer of the corporation;
 - (b) by delivering it personally to a Person apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or
 - (c) by mail addressed to the registered office of the corporation.

~~11. A person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction to a fine not exceeding TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS or in default of payment of the fine to imprisonment for a period not exceeding SIX (6) MONTHS or until such fine is paid.~~

12. It is the intention of the City Council that each separate provision of this ~~b~~Bylaw shall be deemed independent of all other provisions herein and it is further the intention of the City Council that if any provisions of this ~~b~~Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

12.1 Without restricting any other power, duty or function granted by this Bylaw the City Manager may:

- (1) take any steps or carry out any actions required to enforce this Bylaw;
- (2) take any steps or carry out any actions required to remedy a contravention of this Bylaw;
- (3) establish areas where activities otherwise regulated, restricted or prohibited by this Bylaw are permitted;
- (4) establish forms for the purposes of this Bylaw;
- (5) delegate any powers, duties or functions under this Bylaw to an employee of the City;
- (6) issue permits in relation to this Bylaw subject to terms and conditions the City Manager deems appropriate;
- (7) establish the criteria to be met for a permit to be issued pursuant to this Bylaw; and
- (8) charge a fee for issuing permits pursuant to the Bylaw.

13. Bylaw No. 2821 and amendments thereto is hereby repealed.

14. This Bylaw shall come into full force and effect on the date of final passing thereof.

READ A FIRST TIME THIS 3rd DAY OF MAY, 2004.

READ A SECOND TIME THIS 17TH DAY OF MAY, 2004.

READ A THIRD TIME THIS 17TH DAY OF MAY, 2004.

(Sgd.) R.D. Tarleck
MAYOR

(Sgd.) D. Nemeth
CITY CLERK