

BYLAW 6512

**A BYLAW OF THE CITY OF LETHBRIDGE TO
AMEND BYLAW 5270 THE NOISE BYLAW**

WHEREAS the Municipal Government Act, R.S.A. 2000, Chapter M-26, provides that a Council may pass Bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS City Council desires to amend The Noise Bylaw to update references and minor items to ensure consistency with current legislation and practices, as well as include general City Manager powers, including a power to grant exemptions for when The Noise Bylaw would apply.

NOW THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE ENACTS AS FOLLOWS:

1. The Noise Bylaw is amended by this Bylaw as follows:
 - (a) Excluding the first and second Whereas clauses, and the definitions of “Municipal Tag” and “The Land Use Bylaw” capitalizing the “B” in “Bylaw”
 - (b) throughout.
 - (c) Capitalizing the “H” in “Holiday” in sections 2(j) and (k).
 - (d) Capitalizing the “N” in “Nighttime” throughout.
 - (e) Excluding the definition of “Bylaw Enforcement Officer”, capitalizing the “P” in “Person” and “Persons” throughout.
 - (f) Section 2 is amended as follows:
 - (i) Adding a new subsection 2(a.01) before section 2(a) that states:

““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;”
 - (ii) In subsection (b) deleting “and anyone acting or authorized by the City Manager to act on his behalf” and substituting “or delegate”.
 - (iii) In subsection (c) by italicizing “Interpretation Act” and adding “, R.S.A. 2000, c. I-8, as amended or replaced” after it.
 - (iv) In subsection (d)(ii) by italicizing “Hospitals Act” and adding “, R.S.A. 2000, c. H-12, as amended or replaced” after it.
 - (v) Deleting subsection (e).
 - (vi) Adding a new subsection 2(e.1) after section 2(e) that states:

““MUNICIPAL TAG” means a ticket alleging an offence, issued pursuant to the authority of a Bylaw of the City;”

(vii) In subsection (f) capitalizing the “W” in “weekday” and “weekend”.

(viii) Adding a new subsection 2(f.1) after section 2(f) that states:

““PERSON” means an individual or a business entity including a firm, partnership, association, corporation or society;”

(ix) Deleting subsection (g).

(x) Deleting subsection (i) and substituting:

““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.”

(xi) In subsection 2(k) deleting “WEEK-END” and substituting “WEEKEND”.

(g) In section 3(4):

(i) Deleting subsection (a) and substituting:

“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.”; and

(ii) Deleting subsection (b).

(h) In section 4(1) italicizing “Traffic Safety Act” and adding “, R.S.A. 2000, c. T-6” after it.

(i) In section 4(1)(a):

(i) deleting “signaling devices” and substituting “Signalling Devices”; and

(ii) deleting “as set out in subsection (2) of Section 63 of the Highway and Rules of the Road Regulation”.

(j) In section 4(1)(b):

(i) deleting “(1)” after “61”; and

(ii) italicizing “Vehicle Equipment Regulation” and adding “122/2009” after it.

(k) In section 4(1)(c):

(i) deleting “74” and substituting “77”; and

(ii) italicizing “Vehicle Equipment Regulation” and adding “122/2009” after it.

- (l) In section 4(2):
 - (i) deleting “Residential Zone” and substituting “residential development”; and
 - (ii) deleting “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”.
- (m) In section 4(4):
 - (i) deleting “74” and substituting “77”; and
 - (ii) italicizing “Vehicle Equipment Regulation” and adding “122/2009” after it.

In section 5(1)(c) italicizing “Municipal Government Act” and adding “, R.S.A. 2000, Chapter M-26” after it.
- (n) In section 6:
 - (i) deleting “Outdoor Speaker System” and substituting “outdoor speaker system”; and
 - (ii) deleting “Residential Development” and substituting “residential development”.
- (o) In section 7 deleting “Residential Development” and substituting “residential development”.
- (p) In section 7(3):
 - (i) deleting “Truck Tractor or Tractor Trailer” and substituting “truck tractor or tractor trailer”;
 - (ii) deleting “a Residential District”; and
 - (iii) deleting “Residential Development” and substituting “residential development”.
- (q) In section 7(4) deleting “signaling device” and substituting “Signalling Device”.
- (r) In section 8(1):
 - (i) deleting “District” and substituting “district”;
 - (ii) capitalizing the “T” in “The Land Use Bylaw”; and
 - (iii) deleting “Urban Reserve” and substituting “Future Urban Development”.
- (s) In section 8(2):

- (i) adding “a” after “carried on by”; and
 - (ii) deleting “Department, Utility Company” and substituting “department, utility company”.
- (t) In section 9 deleting “of patrons or employees”.
- (u) Deleting section 10 and substituting:
- “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) 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.

10.11 A Person who commits an offence may:

- (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.

(v) Deleting section 11.

(w) Adding a new section 12.1 after section 12 that states:

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.

2. This Bylaw shall come into force and effect on third reading.

READ A FIRST TIME this ____ day of _____, A.D. 2026

MAYOR

CITY CLERK

READ A SECOND TIME this ____ day of _____, A.D. 2026

MAYOR

CITY CLERK

READ A THIRD TIME this ____ day of _____, A.D. 2026

MAYOR

CITY CLERK