

**LETHBRIDGE COUNTY
IN THE PROVINCE OF ALBERTA**

BY-LAW NO. 1406

**Bylaw No. 1406 for the Purpose of Preventing
and Compelling the Abatement of Noises**

WHEREAS, under the authority and subject the provisions of the Municipal Government Act, R.S.A. 2000 c. M-26, as amended, the Council of Lethbridge County duly assembled enacts as follows:

1) SHORT TITLE

- a) This Bylaw may be cited as "THE NOISE BYLAW"

2) DEFINITIONS

- a) In this Bylaw unless the context otherwise requires:
- i) "County" means Lethbridge County or the area contained within the boundaries of Lethbridge County as the context requires.
 - ii) "Owner" includes agent, lessee, or occupier of any land or premises.
 - iii) "Enforcement Officer" means the Community Peace Officer, Development Officer, or any officer, employee, or agent of Lethbridge County designated as an Enforcement Officer by Council or the duly authorized assistant of such persons.
 - iv) "Industrial Lands Use District" means property so designated under the Land Use Bylaw of the Lethbridge County.
 - v) "Noise" means any sound or combination of different sounds which are disturbing in nature, unwanted, or harmful to hearing.
 - vi) "Residential Land Use District" means property so designated under the Land Use Bylaw of the Lethbridge County.
 - vii) "Violation Ticket" means an offence notice issued by means of a Violation Ticket as described in part 2 of the Provincial Offences Procedures Act.

3) APPLICATION OF BYLAW

- a) Subject to the provisions of this Bylaw, every person(s) SHALL conform to this Bylaw or any other Bylaw of Provincial Statute, applicable to Noise.

4) DUTIES OF ENFORCEMENT OFFICER

- a) The Enforcement Officer is hereby authorized to enter any lands, buildings or premises to inspect for conditions that may contravene or fail to comply with the Bylaw.

5) GENERAL PROHIBITIONS

- a) No owner of lands or premises within the County shall make, continue to make, or cause to allow to be made any loud, unnecessary, unusual, or any other noise which annoys, disturbs, injures, endangers, or detracts from the comfort, health, peace, or safety of other persons.
- b) No person shall emit or cause, or permit the emission of noise resulting from any act in a residential land use district between the hours of:

- (1) 11:00pm and 7:00am of the next day which is a weekday
- (2) 11:00pm to 9:00am of the next day which is a Sunday or Holiday.

This shall include but is not limited to:

- ii) Operation of a lawn mower, motorized garden tools, power tools outside of any building or structure;
 - iii) Operation of a motorized device which causes a disturbance
 - iv) Operation of electronic devices used for the productions/reproduction/amplification of sound from mobile or stationary sources;
 - v) Persistent barking, howling, calling, or whining or other similar noise made by a domestic animal or any other animal kept or used for any purposes other than agriculture;
 - vi) Yelling or shouting;
 - vii) Domestic noises of every kind whatsoever, whether from a source wholly from within the dwelling or not.
- c) Lands that are designated under an Industrial Land Use District or have a permit for industrial uses are exempt from the provision of this Bylaw, the Industrial activity shall make no more noise than is necessary in the normal operation or performing or carrying on of that activity.
- d) Lands that are designated Rural Agriculture or that are used for agricultural purposes in another district are exempt from the provision of this Bylaw, the agricultural activity shall make no more noise than is necessary in the normal operation or performing or carrying on of that activity.
- e) Subsections 5.1 and 5.2 do not apply to any noise caused by the County, its agents, or employees while carrying out the instructions of the County.

6) PENALTIES

- a) Any person or owner who contravenes any provision of this Bylaw may be issued a Violation Ticket by the Enforcement Officer pursuant to Part 2 of the Provincial Offences Procedures Act, R.S.A. 2000, c. P-34.
- b) The following schedule of fines shall form part of this Bylaw and any person(s) shall be liable to pay the amount specified.
- i) For a first offence a penalty of \$250.00 shall apply.
 - ii) For second and subsequent offence(s) a penalty of \$500.00 shall apply.

7) RESCIND PREVIOUS BYLAW

- a) This Bylaw rescinds Bylaw 925 and any amendment thereto.

8) EFFECTIVE DATE

- a) This Bylaw shall come into effect on the date of final reading and passing thereof.

GIVEN first reading this 7th day of November, 2013.



Reeve




County Manager

GIVEN second reading this 7th day of November, 20 13



Reeve



County Manager

GIVEN third reading this 7th day of November, 20 13.



Reeve



County Manager