

TO: Advisory Planning Commission

FROM: B. Newell, Chief Administrative Officer

DATE: August 23, 2021

RE: Consolidated noise bylaw – construction hours (Area F)

Purpose:

Regional District of Okanagan-Similkameen Noise Regulation and Prohibition Bylaw No. 2931, 2021 (“Noise Bylaw”) which consolidates and updates the individual Noise Control Bylaws for Areas ‘C’, ‘D’, ‘E’, ‘F’, ‘H’ and ‘I’ was presented to the Regional District Board on July 22, 2021. The Board requested referral to the APC’s for input on hours of construction.

Background:

There are currently 5 separate Noise Control bylaws for Electoral Areas ‘C’, ‘D’, ‘E’, ‘F’, ‘H’ and ‘I’. Each of the existing bylaws are consistent in wording with the exception of minor differences in the hours for construction works.

Analysis:

A consolidated noise bylaw has been prepared to create efficiencies and consistency throughout the Regional District. In addition, a request was made to have construction hours eliminated for Sundays. Rather than eliminate the provision entirely it was determined that the offending construction noise was related to large commercial companies working 7 days per week on new subdivisions and not necessarily related to the ‘weekend warriors’ that were working on their homes. Introducing a new provision prohibiting construction for ‘profit or gain’ on Sundays would capture this intent. Some board members were concerned that imposing this restriction would unfairly affect small business owners. Enforcement action would be by submitted complaint and an administrative directive could be imposed to ensure enforcement be limited to large scale construction companies.

Current constructions hours:

Day	Time
Monday – Saturday	7:00 am - 8:00 pm (Areas, C, D, E, H & I) 6:00 am - 10:00 pm (Area F)
Sunday / Stat Holidays	11:00 am - 4:00 pm (Area E) 10:00 am - 5:00 pm (Area C, D, H & I) 8:00 am - 10:00 pm (Area F)

Proposed construction hours:

Day	Time
Monday – Saturday	7:00 am - 8:00 pm
Sunday and Statutory Holidays	10:00 am - 5:00 pm (with no commercial activity on a Sunday)

Area F has the most substantial change to proposed construction hours decreasing from 6:00 to 10:00 pm on to 7:00 am to 8:00 pm (Mondays through Saturday) and from 6:00 am to 10:00 pm on Sundays and Statutory Holidays to 10:00 am to 5:00 pm.

Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that the proposed construction hours be approved.

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the proposed construction hours be approved with the following amendments:
 - i) *TBD*

Respectfully submitted:

Laura Miller, RBO
Manager of Building and Enforcement Services