

REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN

BYLAW NO. 2397, 2007

A bylaw to regulate and prohibit the making or causing of noises or sounds in Electoral Area 'C' of the Regional District Okanagan-Similkameen.

WHEREAS the Board of the Regional District Okanagan-Similkameen has adopted the Noise Control Regulatory Service Establishment Bylaw No. 2396, 2007, to establish a service in Electoral Area 'C' of the regional district for the regulation and prohibition of making or causing of noises or sounds.

AND WHEREAS the *Local Government Act* authorizes the Regional District Okanagan-Similkameen to regulate and prohibit, by bylaw, making or causing of noises or sounds.

NOW THEREFORE, the Board of the Regional District Okanagan-Similkameen, in open meeting assembled, enacts as follows:

Section 1 - Citation

- 1.1 This Bylaw shall be cited as the Electoral Area 'C' Noise Regulation and Prohibition Bylaw No. 2397, 2007.

Section 2 - Definitions

- 2.1 **"Regional Board"** means the Regional Board of the Regional District Okanagan-Similkameen.
- 2.2 **"Inspector"** means the person or persons appointed from time to time by the Regional Board to enforce and administer this bylaw and shall include any Peace Officer.
- 2.3 **"Peace Officer"** means a police officer, police constable, constable or other person employed for the preservation and maintenance of the public peace.
- 2.4 **"Normal Farm Practise"** means a practise that is conducted by a farm business in a manner consistent with proper and accepted customs and standards as established and followed by similar farm businesses under similar circumstances and includes a practise that makes use of innovative technology in a manner consistent with proper advanced farm management practices.
- 2.5 **"Emergency Vehicle"** shall have the meaning given to the interpretation section of the Motor Vehicle Act.

Section 3 - Regulation

- 3.1 No person shall make or cause, or permit to be made or caused, any noise in Electoral Area 'C' of the Regional District, which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity.
- 3.2 No person shall own, keep or harbour any animal or bird which by its cries, barks or other noises, disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity.
- 3.3 No person shall operate, use or allow, permit or cause to be used or operate any bulldozer, grader, backhoe, power shovel, loader, crane, pile-driver, pneumatic drill, jackhammer, concrete mixer, gravel crusher, asphalt plant, hammer or saw outside of the following hours:

| Day | Time |
|-------------------------------|-------------------------|
| Monday – Saturday | 7:00 a.m. to 8:00 p.m. |
| Sunday and Statutory Holidays | 10:00 a.m. to 5:00 p.m. |

as the Regional Board believes the noise created by such equipment during those hours to be objectionable.

- 3.4 Idling or continuously running of a diesel engine, a truck or bus for more than five (5) minutes at the same location, except, where the truck or bus is located within a garage or depot intended to be used for the long term parking of that vehicle.

Section 4 – Farming Activities

- 4.1 This bylaw does not apply to noise resulting from normal farm practices within the Agricultural Land Reserve or within a zone in which agriculture is a permitted use.

Section 5 – Exemptions

- 5.1 A driver of an emergency vehicle may disregard all of the provisions of this bylaw while acting in the course of his lawful duty.
- 5.2 Any person may make application to the Regional District to be granted an exemption from Section 3.3 of this bylaw for which they might be prosecuted. The Regional District may refuse to grant any exemption, or may grant the exemption applied for, or any exemption of lesser effect. Any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions as the Regional District sees fit.

Section 6 – Application for Exemption

- 6.1 The Regional District may give consent in writing to carry on such works outside the prescribed limits and upon such terms as the Regional District determines. In any case where, because of an emergency or other unforeseen circumstance, an application for an exemption cannot be submitted within the time limit prescribed in this subsection, the Regional District may waive that limitation.

6.2 Other than for emergency works the application mentioned in Subsection 5.2, shall be made in writing, and shall be submitted to the Regional District prior to the date of the proposed activity, and shall contain:

6.2.1 The applicant's information:

- a) the name, address, and telephone number of the applicant
- b) the address of the construction site and development name
- c) the building permit number, if applicable.
- d) a description of the source of sound for which an exemption is sought
- e) a statement of the particular provision or provisions of the bylaw from which exemption is sought
- f) the period of time; hours requested of duration not in excess of twenty-four hours, for which the exemption is sought
- g) the reasons why the exemption should be granted
- h) regardless of the requested exemption, a statement of the steps, if any, planned or presently being taken to, mitigate the noise for which the exemption must be provided
- i) a non-refundable application fee of \$75.00.

Section 7 - Severability

7.1 If any section or lesser portion of this bylaw is held by a court to be invalid, that portion shall be severed from the bylaw, without affecting the validity of the remainder.

Section 8 - Penalty

8.1 Every person who violates any provision of this bylaw commits an offence and is liable to a penalty of not more than \$2,000 and not less than \$100 for each offence, and the costs of prosecution. Each date that a violation occurs constitutes a separate offence.

READ A FIRST, SECOND, AND THIRD TIME this 19TH day of July, 2007.

ADOPTED this 19th day of July, 2007.

RDOS Board Chair

General Manager of Administration Services