

Bylaw No. 1526, 1994

Regional District of Okanagan-Similkameen

Consolidated for convenience purposes.
Includes all amendments to the text up to:
July 18, 2013

Summary of Amendments

Bylaw No.	Adopted	Amendment	Purpose
1526.01, 2013	July 18, 2013	Addition of new Sections 8 and 9 Renumber Sections 8 – 11 to become Sections 10 – 13	Provisions for exemptions and application for exemption to Noise Regulation and Prohibition Bylaw in Electoral Area "F"

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 1526, 1994

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

WHEREAS Bylaw No. 1436, cited as the "Noise Control Extended Service Establishment Bylaw No. 1436, 1993", established a Noise Control extended service with Electoral Area "F" as the sole participant to the service;

AND WHEREAS the Regional Board of the Regional District of Okanagan-Similkameen wishes to regulate and prohibit the making or causing of certain noises or sounds in Electoral Area "F" of the Regional District;

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

DEFINITIONS

1. **"Regional Board"** means the Regional Board of the Regional District of Okanagan-Similkameen.
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.
3. **"Peace Officer"** means a police officer, police constable, constable or other person employed for the preservation and maintenance of the public peace.

REGULATION

4. No person shall make or cause, or permit to be made or cause, any noise in Electoral Area "F" 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.
5. 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.
6. 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 between the hours of 10:00 p.m. and 6:00 a.m. on days other than Sundays, and between 10:00 p.m. on Saturdays and 8:00 a.m. on Sundays, as the Regional Board believes the noise created by such equipment during those hours to be objectionable.

FARMING ACTIVITY

7. This bylaw does not apply to noise necessarily resulting from the operation of equipment required for the raising of livestock or crops on farmland within the Agricultural Land Reserve.

EXEMPTIONS¹

8. A driver of an emergency vehicle may disregard all of the provisions of this bylaw while acting in the course of his lawful duty.

Any person may make application to the Regional District to be granted an exemption from Section 6 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.

APPLICATION FOR EXEMPTION²

9. 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.

Other than for emergency works the application mentioned in Section 8, shall be made in writing, and shall be submitted to the Regional District prior to the date of the proposed activity, and shall contain:

The applicant's information:

- i. the name, address, and telephone number of the applicant
- ii. the address of the construction site and development name
- iii. the building permit number, if applicable
- iv. a description of the source of sound for which an exemption is sought
- v. a statement of the particular provision or provisions of the bylaw from which exemption is sought
- vi. the period of time; hours requested of duration not in excess of twenty-four hours, for which the exemption is sought
- vii. the reasons why the exemption should be granted
- viii. 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
- ix. a non-refundable application fee of \$75.00

¹ Bylaw No. 1526.01, 2013 Electoral Area 'F' Noise Regulation and Prohibition Amendment Bylaw

² Bylaw No. 1526.01, 2013 Electoral Area 'F' Noise Regulation and Prohibition Amendment Bylaw

SEVERABILITY³

10. 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.

PENALTY⁴

11. 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.

REPEAL⁵

12. The Defined Area F4 Nuisance and Disturbance Bylaw No. 843, 1985 is hereby repealed.

CITATION⁶

13. This bylaw may be cited as the **“Electoral Area “F” Noise Regulation and Prohibition Bylaw No. 1526, 1994”**

READ A FIRST TIME this 15th day of September, 1994.

READ A SECOND TIME this 15th day of September, 1994.

READ A THIRD TIME this 15th day of September, 1994.

ADOPTED this 20th day of October, 1994.

Chairman

Administrator/Secretary

I hereby certify that this is a true and correct copy of the “Electoral Area “F” Noise Regulation and Prohibition Bylaw No. 1526, 1994”, as read a third time and adopted by the Regional District of Okanagan-Similkameen, on the 15th day of September, 1994.

DATED this _____ day of _____, 1994.

Administrator/Secretary

Reviewed by: _____

³ Bylaw No. 1526.01, 2013 Electoral Area ‘F’ Noise Regulation and Prohibition Amendment Bylaw

⁴ Bylaw No. 1526.01, 2013 Electoral Area ‘F’ Noise Regulation and Prohibition Amendment Bylaw

⁵ Bylaw No. 1526.01, 2013 Electoral Area ‘F’ Noise Regulation and Prohibition Amendment Bylaw

⁶ Bylaw No. 1526.01, 2013 Electoral Area ‘F’ Noise Regulation and Prohibition Amendment Bylaw