

REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN

BYLAW NO. 1527.01, 2007

Consolidated

**Amendments
No. 1527, 1994
No. 1527.01, 2007**

This Bylaw has been consolidated for convenience only and includes amendments to the text up to July 19, 2007.

**REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN
BYLAW NO. 1527.01, 2007**

**A bylaw to amend the service for the purpose of
Noise Regulation and Prohibition in Electoral Area 'D'.**

WHEREAS the Board of Directors of the Regional District Okanagan-Similkameen wishes to proceed under Section 800.2 of the *Local Government Act*, to amend the service of regulating and prohibiting the making or causing of noises or sounds in Electoral Area 'D' of the Regional District Okanagan-Similkameen;

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

Definitions

1. **“Regional Board”** means the Regional Board of the Regional District 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.
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.
5. **“Emergency Vehicle”** shall have the meaning given to the interpretation section of the Motor Vehicle Act.

Regulation

6. No person shall make or cause, or permit to be made or caused, any noise in Electoral Area 'D' 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.
7. 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.

8. 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.

9. 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.

Farming Activities

10. 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.

Exemptions

11. A driver of an emergency vehicle may disregard all of the provisions of this bylaw while acting in the course of his lawful duty.
12. 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.

Application for Exemption

13. 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.
14. 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:

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.

Severability

15. 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.

Penalty

16. 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.

Citation

17. This Bylaw shall be cited as the Electoral Area 'D' Noise Regulation and Prohibition Bylaw No. 1527.01, 2007.

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