

I, W. d'Easum, Director of Corporate Services for the Regional District of Central Okanagan, do hereby certify that the following 4 pages comprises a true and correct copy of Bylaw No. 403, which was adopted by the Regional Board on the 18th day of June, 1990 and has been consolidated to include amending Bylaws No. 968, 2002 and No. 1071, 2004.

Dated at Kelowna, B.C. this
30th day of July, 2004.

W. d'Easum, Director of Corporate Services

REGIONAL DISTRICT OF CENTRAL OKANGAN

BYLAW NO. 403

CONSOLIDATED FOR CONVENIENCE ONLY (Includes Bylaws No. 968, 2002 and No. 1071, 2004)

Being a Bylaw to regulate and prohibit the making or causing of noises and sounds within the Regional District of Central Okanagan.

WHEREAS by Section 932 (c) of the Municipal Act and Supplementary Letters Patent, the Regional Board, may by by-law, regulate or prohibit the making or causing of noises or sounds in or on a highway or elsewhere in the Regional District which disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of any persons in the vicinity, or which in the opinion of the Regional Board are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public, and may make different regulations or prohibitions for different areas of the Regional District;

AND WHEREAS it is the opinion of the Regional Board that regulations and prohibitions must be instituted to control objectionable sounds or sounds liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

NOW THEREFORE, THE REGIONAL DISTRICT OF CENTRAL OKANGAN IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

I DEFINITIONS

1. Words defined in the "Motor Vehicle Act" and the "Local Government Act" shall have the same meanings when used in this Bylaw.
2. In this bylaw, unless the context otherwise requires:
 - (a) Regional District of Central Okanagan means the Electoral Areas of the Regional District of Central Okanagan and specifically includes the part of Okanagan Lake that lies within the boundaries of the Electoral Areas."
 - (b) "Regional Board" shall mean the Regional Board of the Regional District of Central Okanagan;

- (c) Highway includes all public streets, roads, ways, trails, lanes, bridges, trestles, and any other public way;
- (d) "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;
- (e) "Peace Officer" shall have the same meaning as in the "Interpretation Act", being Chapter 206 of the Revised Statutes of British Columbia, 1979, and shall also include the person or persons who are appointed to enforce and administer this bylaw;
- (f) "Person" includes any company, corporation, owner, partnership, firm, association, society or party; and in the case of motorboat, includes the operator thereof;
- (g) "Property" means real property and includes land, together with all improvements which have been so affixed to the land so as to make them in fact and in law a part thereof;
- (h) "Motorboat" means a boat or any vehicle used on water that is powered by an engine.

II GENERAL INFORMATION

1. No person shall make or cause, or permit to be made or caused, any noise in or on a highway or elsewhere in the Regional District which disturbs the peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity.
2. No person being the owner or occupier of real property knowingly shall allow or permit such real property to be used so that noise or sound which emanates therefrom, disturbs the peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
3. No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighborhood, or of any person in the vicinity.
4. No persons shall own, keep or harbour any animal or bird which by its cries unduly disturbs the peace, quiet, rest, tranquility of the surrounding neighbourhood or the public at large.
5. (a) No person shall on any day before 7:00 AM or after 10:00 PM reconstruct, alter, repair or demolish any building, structure or thing in any manner whatsoever which makes, causes noises or sounds in or on a highway or elsewhere which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighborhood, or of any person in the vicinity;

- (b) No person shall on any day before 7:00 AM or after 10:00 PM operate any logging equipment, log yard equipment, aggregate extraction equipment or aggregate processing equipment in any manner whatsoever which makes, causes noises or sounds in or on a highway or elsewhere which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighborhood, or of any person in the vicinity.
- 6. The Regional District of Central Okanagan Board of Directors may grant approval for a construction project to operate beyond the hours specified in Part II Section 5(a) where the Board considers that the public interest will be served by such approval.
- 7. Notwithstanding any provisions of this bylaw, a person may perform works of an emergency nature for the preservation or protection of life, health or property but the onus shall be on the person performing the work to show cause that the work was of an emergency nature.
- 8. Notwithstanding the provisions of this bylaw, a person may apply for and receive from the Regional Board a permit for a special event if such special event in the Regional Board's opinion is in the public interest, in which case the requirements of this bylaw may be waived.
- 9. Notwithstanding the other provisions of this bylaw, where traditional farming practices require the operation of machinery and equipment for the production of crops, working farms are exempt from the provisions of this bylaw.
- 10. Notwithstanding any other provisions of the Bylaw, industrial or commercial equipment sounds produced on an I zoned property within a closed building having perimeter walls constructed with a Sound Transmission Class Rating of at least 50 as provided for in the B.C. Building Code, shall not be considered to be a violation of this bylaw.

III MOTORBOATS

- 1. No person shall launch a motorboat from any lands in the Regional District if that motorboat is equipped with an exhaust system that permits the exhaust gas from the engine to be expelled directly into the air without first passing through water unless the motorboat is equipped with a muffling device that ensures that the exhaust gases from the engine are cooled and expelled without excessive noise.
- 2. No person shall operate a motorboat in the Regional District if that motorboat is equipped with an exhaust system that permits the exhaust gases from the engine to be expelled directly into the air without first passing through water unless the motorboat is equipped with a muffling device that ensures that the exhaust gases from the engine are cooled and expelled without excessive noise.
- 3. No person shall operate any motorboat powered by an engine equipped with exhausting devices commonly described as dry stacks or dry headers.
- 4. No person shall operate a motorboat powered by an engine equipped with exhausting devices commonly described as water injected headers unless a properly operating muffler is installed thereto.

5. No person shall operate a motorboat powered by an engine equipped with exhausting devices commonly described as over-transom water cooled exhaust unless a properly operating muffler is installed thereto.
6. No person shall operate a motorboat so as to cause noise which disturbs the peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

IV PENALTIES

1. Any person who violates the provisions of this Bylaw may, on summary conviction, be liable to the maximum penalty under the "Offense Act," plus the cost of prosecution, for each offense. The penalties imposed under this section are a supplement and not a substitute for any other remedy to an infraction of this Bylaw."

V GENERAL PROVISIONS

1. This Bylaw hereby repeals the Regional District of Central Okanagan Noise Control Bylaw No. 219, 1981.
2. This bylaw may be cited for all purposes as the Regional District of Central Okanagan Noise Control Bylaw No. 403, 1989.

READ A FIRST TIME THIS	6 th	DAY OF	November	1989.
READ A SECOND TIME THIS	6 ^h	DAY OF	November	1989.
READ A THIRD TIME THIS	6 th	DAY OF	November	1989.
RECONSIDERED AND ADOPTED THIS	18 th	DAY OF	June	1990.