

SUMMARY:

The Noise Control Bylaw regulates or prohibits the making of objectionable noise within the City of Kelowna that may disturb the quiet or enjoyment of other individuals. Objectionable noises include playing radios and stereos at high volume, or keeping animals or birds which by their noise unduly disturbs the surrounding neighbourhood. The bylaw also prohibits any construction before 7:00 a.m. or after 10:00 p.m.

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CITY OF KELOWNA
BYLAW NO. 6647
REVISED: August 9, 2010

CONSOLIDATED FOR CONVENIENCE TO INCLUDE BYLAWS NO. 8969, 9143 , 9178, 9205, 9380, 9422, 9672 and 10392

**A bylaw to regulate and prohibit the making or causing of
noises and sounds within the City of Kelowna**

WHEREAS under the provisions of Sections 724 of the Local Government Act, the City of Kelowna may by bylaw, regulate or prohibit the making or causing of noises or sounds in or on any highway or elsewhere in the City of Kelowna which disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or any person in the vicinity, or which the Council believes 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 municipality;

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

NOW THEREFORE the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. CITING

1.1 This bylaw may be cited as the "Kelowna Noise and Disturbances Control Bylaw No. 6647".

2. DEFINITIONS

2.1 Words defined in the "Motor Vehicle Act", Chapter 318 of the Revised Statutes of British Columbia, 1996 and the "Local Government Act", Chapter 323, Revised Statutes of British Columbia, 1996 shall have the same meaning when used in this bylaw unless defined in this bylaw or unless the context otherwise requires.

2.2 In this bylaw, unless the context otherwise requires:

- (a) "City" means the City of Kelowna or the area within the boundaries thereof as the context may require;
- (b) "Council" means the Municipal Council of the City of Kelowna;
- (c) "Highway" includes every highway within the meaning of the "Highway Act" Chapter 188 of the Revised Statutes of British Columbia, 1996, and every road, street, lane, thoroughfare, bridge, public way, or right-of-way designed or intended for or used by the general public for the passage of vehicles in every private place or passageway to which the

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public, for the purpose of the parking or servicing of vehicles, has access or is invited and every boulevard and sidewalk;

- (d) "Inspector" means the person or persons appointed from time to time by the Council to enforce and administer this bylaw and shall include any peace officer;
- (e) "Motor Boat" means a boat or any vehicle used on water that is powered by an engine;
- (f) "Peace Officer" shall have the same meaning as in the Interpretation Act, Chapter 238 of the Revised Statutes of British Columbia, 1996, and shall also include the person or persons who are appointed to enforce and administer this bylaw;
- (g) "Person" includes any company, corporation, owner, partnership, firm, association, society or party; and in the case of motor boat, includes the operator thereof;
- (h) "Property" means real property and includes land, together with all improvements which have been so fixed to the land so as to make them in fact and in law a part thereof.

3. GENERAL REGULATIONS

- 3.1 No person shall make or cause, or permit to be made or caused, any noise in or on a highway or elsewhere in the City which disturbs the peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or persons in the vicinity.
- 3.2 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.
- 3.3 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 neighbourhood, or any person in the vicinity.
- 3.4 No person shall own, keep or harbour any animal or bird which by its barks, cries or sounds unduly disturbs the peace, quiet, rest, tranquillity of the surrounding neighbourhood or the public at large.
- 3.5 No person in the City shall on any day before 0700 hours or after 2200 hours construct, erect, re-construct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner whatsoever which makes, causes noise or sounds in or on a highway or elsewhere in the City which disturb or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or persons in the vicinity.

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BL9143, BL9178, BL9380, BL9422, BL9672, BL9422 amended section 3.6 and renumbered subsequent sections:

- 3.6 Notwithstanding other provisions of this bylaw, in particular subsection 3.5, persons authorized by the City of Kelowna shall be permitted to make reasonable noise or sounds overnight between the hours of 1800 hours and 0600 hours for the purpose of construction of the east approach of the WAC Bennett Okanagan Lake Bridge
- 3.7 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.
- 3.8 Notwithstanding the provisions of this bylaw, a person may apply for and receive from the City, a permit for a special event, which in the City Council's opinion is in the public interest, in which case the requirements of this bylaw may be waived.
- 3.9 Notwithstanding the other provisions of this bylaw, where traditional farming practices require the operation of machinery equipment for the production of crops, working farms are exempt from the provisions of this bylaw.

BL8969 added a new section 3.10:

- 3.10 No person shall create a nuisance or disturbance upon any portion of a highway or other public place, including any place to which the public reasonably has access, by participating in a fight or other similar physical confrontation between consenting or non-consenting persons.

BL9205 added a new section 3.11:

- 3.11 Any person, firm partnership, corporation or other entity being the owner or occupant of real property and who is properly registered with the RCMP as an alarm user and in compliance with the regulations of the Security Alarm Systems Bylaw No. 9147, as amended or replaced from time to time, is exempt from the provisions of the bylaw and in particular to subsection 3.2 and 3.3.

4. MOTOR BOATS

- 4.1 No person shall launch a motor boat from any lands in the City if that motor boat 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 the water unless the motor boat is equipped with a muffling device that ensures the exhaust gases from the engine are cooled and expelled without excessive noise.
- 4.2 No person shall operate a motor boat in the City if the motor boat 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 a motor boat is equipped with a muffling device that ensures that the exhaust gases from the engine are cooled and expelled without excessive noise.
- 4.3 No person shall operate a motor boat powered by an engine equipped with the exhausting devices commonly described as dry stacks or dry headers.
- 4.4 No person shall operate a motor boat powered by an engine equipped with exhausting devices commonly described as water injected headers unless a properly operating muffler is installed thereto.

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

5. PENALTIES

- 5.1 Every person who violates any provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act which constitutes an offence against the bylaw is guilty of an offence against this bylaw and liable to the penalties hereby imposed. Each day that the violation continues to exist, shall constitute a separate offence.

BL10392 replaced Section 5.2:

- 5.2 Every person who commits an offence against this bylaw is liable to a fine and penalty of not more than THOUSAND DOLLARS (\$1000.00) for each offence and in default of payment thereof, forthwith or within such time as a presiding Provincial Court Judge or Justice of the Peace shall direct, the fine imposed shall be recoverable under the provisions of the "Offence Act", Chapter 338, Revised Statutes of British Columbia, 1996 and all amendments thereto.

6. REPEAL

- 6.1 This bylaw hereby repeals Kelowna Noise Control Bylaw No. 5154-81 and amending Bylaw No. 5465-82 and Motor Boat Regulation Bylaw No. 4408-77.

Read a first time by the Municipal Council this 29th day of May, 1990.

Read a second time by the Municipal Council this 29th day of May, 1990.

Read a third time by the Municipal Council this 29th day of May, 1990.

Reconsidered, finally passed and adopted by the Municipal Council of the City of Kelowna this 26th day of June, 1990.

"James H. Stuart"

Mayor

"R.A. Beauchamp"

City Clerk