

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BY-LAW NO. 139

Being a by-law to regulate sound levels within the Regional District of Central Okanagan

WHEREAS by Section 870 (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 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 Board of the Regional District of Central Okanagan in open meeting assembled, enacts as follows:

1. (1) Words defined in the "Motor Vehicle Act" being Chapter 253 of the Revised Statutes of British Columbia, 1960 and the "Municipal Act" Revised Statutes of British Columbia Chapter 255, 1960 shall have the same meaning when used in this by-law unless defined in this by-law or unless the context otherwise requires.

(2) In this by-law, unless the context otherwise requires:

(a) "Regional District" shall mean the part of the Regional District of Central Okanagan as described in the Letters Patent, Div. XX, Noise Control excluding thereout the corporation of the City of Kelowna and the Corporation of the District Municipality of Peachland.

(b) "Rural Zones" shall mean an area in the Regional District established as a "Rural Zone" in the Regulations adopted pursuant to the provisions of the Regional District of Central Okanagan Zoning Amendment By-law #66 and amendments thereto or as re-enacted;

(c)/

(c) "Commercial Zone" shall mean an area in the Regional District established as a "Commercial Zone" in the Regulations adopted pursuant to the provisions of the Regional District of Central Okanagan Zoning Amendment By-law #66 and amendments thereto or as re-enacted;

(d) "Continuous Sound" means any sound continuing for a period or periods totalling more than three (3) minutes in any fifteen (15) minutes period of time;

(e) "Regional Board" shall mean the Regional Board of the Regional District of Central Okanagan;

(f) "Day Time" means those hours between seven (7) o'clock in the forenoon and ten (10) o'clock in the afternoon;

(g) "dBA" means the Sound Level measured on the "A" scale of a Sound Level Meter set on the slow reading scale;

(h) "Highway" includes every highway within the meaning of the "Highway Act", being Chapter 172 of the Revised Statutes of British Columbia, 1960, and every road, street, land, thoroughfare, bridge, public way, or right-of-way designed or intended for or used by the general public for the passage of vehicles, and every private place or passage-way to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited, and every boulevard and sidewalk;

(i) "Industrial Zone" shall mean an area in the Regional District established as an "Industrial Zone" in the Regulations pursuant to the provisions of the Regional District of Central Okanagan Zoning Amendment By-law #66 and amendments thereto or as re-enacted;

(j) "Motel Zones" shall mean an area in the Regional District established as a "Motel Zone" in the Regulations pursuant to the Provisions of the Regional District of Central Okanagan Zoning Amendment By-law #66 and amendments thereto or as re-enacted;

(k) "Night Time" means those hours between ten (10) o'clock in the afternoon and seven (7) o'clock in the forenoon of the following day;

(l) "Non-continuous Sound" means any sound continuing for less than three (3) minutes;

(m) "Peace Officer" shall have the same meaning as in the Interpretation Act, being Chapter 199 of the Revised Statutes of British Columbia, 1960;

(n) "Person" includes any company, corporation, owner, partnership, firm, association, society or party;

(o) "Property" means real property and includes land, other than a highway, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof;

(p) "Residential Zone" shall mean an area in the Regional District established as a "Residential", "Mobile Home Park Residential" and "Residential 1 Zone" in the regulations pursuant to the provisions of the Regional District of Central Okanagan Zoning Amendment By-law #66 and amendments thereto or as re-enacted;

(q)/

(q) "Sound Level" is the weighted sound pressure level in decibels obtained by the use of a sound level meter whose weighting characteristics are specified in the latest revision of The American National Standards Institute standards or its successor bodies, for sound level meters. The reference pressure is .0002 microbar. In this by-law sound level shall be indicated by the symbol dBA as hereinbefore defined:

(r) "Sound level meter" shall mean a device or instrument which meets the International Electrotechnical Commission Standard 123 - 1961, or its successor bodies or The American National Standards Institute standard S1.4 - 1971 or its successor bodies or the British Standard No. 3539 part 1, or such other Standards as may be propounded from time to time;

(s) "Motor-boat" means a vessel which is propelled or capable of being propelled by an internal combustion engine upon water but does not include a vessel which is propelled by sails or oars and employs an auxiliary internal combustion engine or a vessel which employs a diesel engine.

2. No owner or occupier or real property in the Regional District shall, except as provided in this by-law, allow such real property to be used so that sound emanates therefrom that exceeds the dBA's authorized by this by-law.

Noise
Level in
Residential
& Motel
Zones

3. No person shall, except as permitted in this by-law in any Residential Zone, or Motel Zone in the Regional District, make or cause continuous sound the sound level of which exceeds sixty (60) dBA's during the day time and fifty-five (55) dBA's during the night time which sound shall be measured at any point within twenty (20) feet of the real property from which the said sound is emanating, or at a distance of not less than twenty (20) feet from the source of the said sound if it is emanating from a highway.

Noise
Levels in
Commercial
Zones

4. No person shall, except as permitted in this by-law, in any Commercial Zone, Industrial Zone, or Rural Zone in the Regional District make or cause continuous sound the sound level of which exceeds sixty-five (65) dBA's during the day time and sixty (60) dBA's during the night time which sound shall be measured at any point within twenty (20) feet of the real property from which the said sound is emanating or at a distance of not less than twenty (20) feet from the source of the said sound if it is emanating from a highway.

Non
Continuous
Noise

5. No person shall, except as permitted in this by-law, in the Regional District make or cause non-continuous sound, the sound level of which exceeds eighty-five (85) dBA's during the day time and eighty (80) dBA's during the night time which sound shall be measured at any point within twenty (20) feet of real property from which the said sound is emanating, at a distance of not less than twenty (20) feet from the source of the said sound if it is emanating from a highway.

Trucks

6. Notwithstanding the Provisions of this By-law;

(1) No person shall operate on a highway in the Regional District a motor-vehicle with a licensed gross weight in excess of six thousand pounds (6,000 pounds) which makes or causes sound, the sound level of which shall exceed eighty-three (83) dBA's in a thirty (30) miles per hour zone and eighty-seven (87) dBA's in an over thirty (30) miles per hour zone. The sound shall be measured at a distance of not less than twenty (20) feet from the motor-vehicle exhaust pipe opening.

Cars and
Pickup Trucks

(2) No person shall operate on a highway in the Regional District, a motor vehicle with a licensed gross weight of six thousand pounds (6,000 lbs.) or less which makes or causes sound, the sound level of which exceeds seventy-five (75) dBA's in a thirty (30) miles per hour zone and eighty (80) dBA's in an over thirty (30) miles per hour zone. The sound shall be measured at a distance of not less than twenty (20) feet from the motor vehicle exhaust pipe opening.

(3) No person shall operate on a highway in the Regional District a motorcycle which either alone or together with another motorcycle the combination of which makes or causes sound, the sound level of which exceeds eighty-five (85) dBA's in a thirty (30) miles per hour zone. The sound shall be measured at a distance of not less than twenty (20) feet from any or such motorcycle.

Stationary
Readings

(4) No person shall operate a vehicle the maximum noise level of which recorded while the vehicle is stationary exceeds -

- (i) Cars and pickup trucks @ 2500 R.P.M.
- maximum 73 dBA's
- (ii) Motorcycles (all makes and sizes) @ 2500 R.P.M. - maximum 82 dBA's
- (iii) Diesel trucks @ 1200 R.P.M.
- maximum 82 dBA's
- (iv) gasoline operated trucks @ 2500 R.P.M.
- maximum 82 dBA's

Lawn mowers,
etc.

7. No person shall, except as permitted in this by-law, during the day time, on any day from Monday, to Saturday, both inclusive, not being a Statutory holiday, or on a Sunday or Statutory Holiday prior to nine (9) o'clock in the forenoon or after ten (10) o'clock in the afternoon except as herein provided, use or operate in the Regional District, any power lawn mower, power gardening tool, power tools, sound level producing model airplane or other model machine, toy or hobby equipment which makes or causes sound, the sound level of which exceeds eighty-two (82) dBA's and which said sound shall be measured at any point within twenty (20) feet of real property from which the said sound is emanating or at a distance of not less than twenty (20) feet from the source of the said sound if it is emanating from a highway or body of water.

Jackhammer

8. No person shall operate, or permit or cause to operate, a Jackhammer or other pneumatic construction equipment which produces sound levels in excess of seventy-five (75) dBA's measured at a distance of not less than fifty (50) feet from the Jackhammer or other pneumatic construction equipment.

Public
Address
System

9. No person shall operate an outdoor public address system with a sound level greater than eighty (80) dBA's measured at a distance of not less than fifty (50) feet in front of or in the direction in which the loudspeaker radiates and such loudspeakers shall point in the direction of the audience and at no time shall speakers be directed above a horizontal plane.

Snow
Vehicle

10. No person shall operate in the Regional District, a snow vehicle which makes or causes sound, the sound level of which exceeds eighty-five (85) dBA's measured at a distance of not less than fifty (50) feet from the source of the sound.

Agricultural
Machinery

11. Notwithstanding the Provisions of Section Four (4);
No person shall operate in the Regional District, Agricultural machinery, farm equipment or any implements used in the normal agricultural practices which makes or causes sound, the sound level of which exceeds ninety-five (95) dBA's measured at a distance of not less than one hundred (100) feet from the source of the sound or measured at any point not less than one hundred (100) feet off the property from which the said sound is emanating, whichever is the greater.

Motor boat

12. (a) No person shall operate a motor boat on a body of water in the Regional District, the sound level of which exceeds ninety-two point five (92.5) dBA's.
- (b) No person shall operate a motor boat on a body of water in the Regional District, the maximum sound level of which recorded while the boat is stationary exceeds ninety-two point five (92.5) dBA's.
- (c) Notwithstanding the Provisions of Subsections (a) and (b) of this section, any motor boat competing in a race or regatta appraised by the Regional Board by resolution is exempt from the provisions of subsection (a) and (b) of this section.
13. This by-law shall not apply to emergency vehicles or to emergency repair of a public utility or to a Peace Officer in carrying out his duties.
14. To comply with the provisions of this by-law:
- (a) sound levels shall be measured on the A-weighting network and the slow meter response on a sound level meter complete with calibrator and wind screen;
- (b) sound level meters shall be used and operated in accordance with manufacturer's instructions and shall be calibrated before and after readings have been taken;
- (c) when taking sound level measurements as required in sections 4, 5, 6 and 9 of this by-law, they shall be measured at any point within twenty feet (20') of the real property from which the sound is emanating or at a distance of not less than twenty feet (20') from the source of the said sound if it is emanating from a highway;
- (d) when determining the sound level from a source, the ambient or background noise or sound level shall be established at the position of measurement and during the relevant period of time before taking sound measurements from the source. No measurement shall be taken if the difference between the ambient or background noise or sound level is three (3) or less dBA's from the sound being measured for the purposes of this by-law;
- (e) sound measurements shall be made at a height of approximately three (3) feet from ground level and a distance of approximately ten (10) feet from any wall, buildings, or other reflecting structures with the microphone appropriately oriented to eliminate as much as possible all reflected sound.

(f)/

(f) No. test should be attempted when the wind velocity is above twenty-five (25) miles per hour.

15. A peace officer is hereby authorized to enter, at all reasonable times upon any real property or body of water to carry out inspections and conduct tests and take sound level measurements to ascertain whether the regulations contained in this by-law are being obeyed.

16. Every person who violates any of the provisions of this by-law except Section 17 shall be guilty of an offence punishable on summary conviction and shall be liable to a fine not exceeding Five Hundred Dollars (\$500.00) and in default of payment to imprisonment not exceeding Thirty (30) days.

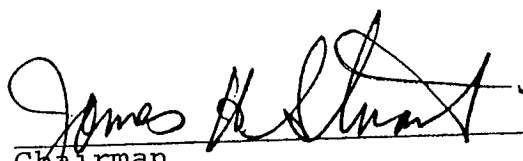
17. This by-law may be cited for all purposes as the "Regional District of Central Okanagan Sound Abatement By-law No. 1: 1978".

READ A FIRST TIME THIS 17th DAY OF April, 1978

READ A SECOND TIME THIS 17th DAY OF April, 1978

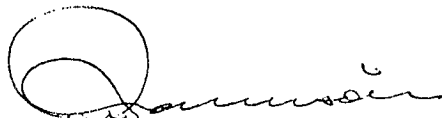
READ A THIRD TIME THIS 17th DAY OF April, 1978

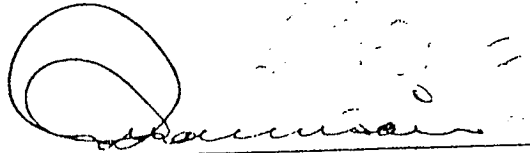
RECONSIDERED, FINALLY PASSED AND ADOPTED THIS 5th DAY OF June, 1978.


Chairman

I hereby certify the foregoing to be a true and correct copy of By-law No. 139, cited as "Regional District of Central Okanagan Sound Abatement By-law No. 139, 1978" as read a third time by the Regional Board on the 17th day of April, 1978.

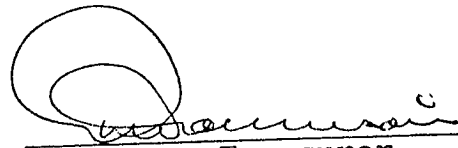
Dated at Kelowna, B.C. this 20th day of May, 1978.


Secretary-Treasurer


Secretary-Treasurer

I hereby certify the foregoing to be a true and correct copy of By-law No. 139, cited as "Regional District of Central Okanagan Sound Abatement By-law No. 139, 1978 as adopted by the Regional Board on the 5th day of June, 1978.

Dated at Kelowna, B.C. this 8th day of June, 1978.


Secretary-Treasurer

APPROVED pursuant to the provisions of section 203 of the Municipalities Enabling and Validating Act this 7th day of May 1978.

Minister of Municipal Affairs and Housing

APPROVAL NO. 78 462