

## DRAFT RESOLUTION

### Re: Construction Noise Bylaw Amendment

THAT Council direct staff to review construction noise restrictions in other communities, and the current the noise variance procedure,

AND THAT Council direct staff to bring forward for Council consideration options for amending current construction noise times and the noise variance procedure.

#### BACKGROUND:

Councillor Webber indicated his intent to bring forward a resolution to review construction noise times, on January 22, 2024.

Construction noise is defined and limited to the hours of between 7:00 am and 9:00 pm, seven days a week, under section 8 of the Good Neighbour Bylaw No. 11500. A variance to these times may be requested. A Bylaw contravention may result in a \$500 penalty.

Excerpts from the [Good Neighbour Bylaw No. 11500](#):

Construction Noise means any noise or sound made by:

- i. the carrying on of works in connection with the construction, demolition, reconstruction, alteration or repair of any building or structure;
- ii. the carrying on of any excavation by machinery or heavy equipment; or
- iii. the moving or operating of any kind of machine, engine or construction equipment

#### 8. Construction Noise

8.1 No person shall on any day before 7:00 am or after 9:00 pm make or cause, or permit to be made or caused any construction noise.

8.2 A person may apply to the public works manager for permission to vary the time restrictions established in section 8.1 of this bylaw with respect to construction noise generated on public spaces or streets. A person may apply to the development engineering manager for permission to vary the time restrictions established in section 8.1 of this bylaw with respect to construction noise generated on real property that is not a public space or a street. An application in the form specified by the development engineering manager or development engineering manager, as appropriate, must be submitted at least five (5) business days prior to the date of the proposed activity.

8.3 Upon receiving an application submitted in accordance with section 8.2 of this bylaw, the City may, by written permit, vary the time restrictions set out in section 8.1 of this bylaw for a

certain location and activity if, in the opinion of the public works manager or development engineering manager, as appropriate:

- (a) public safety or traffic considerations make it necessary or expedient that the work or activity commence or continue beyond those time restrictions; or
- (b) it is impossible or impractical to carry out, within those time restrictions:
  - (i) excavation;
  - (ii) concrete pouring or finishing;
  - (iii) major structural or mechanical component delivery or placement; or
  - (iv) relocation of a building; and

after considering whether there should be prior notification of the neighbourhood that would be affected, the public works manager or development engineering manager, as appropriate may impose such terms and restrictions as deemed necessary in the circumstances to mitigate the impact of the construction noise on the adjacent neighbourhood

#### COUNCILLOR WEBBER COMMENTS

I'd like to introduce a motion for council to consider instructing city staff to review Kelowna's construction noise bylaws and come up with options for possible changes or adjustments to ease the impact on nearby residents.

The construction of housing is one of the city's top priorities. Council approves dozens of new residential developments each year... both large scale and small. These are mainly infill projects, meaning construction is often happening within feet of existing residences.

Learning to live with nearby construction has become a fact of life for hundreds of city residents. In fact, due to Kelowna's rapid growth and our billion dollars-plus construction industry located within a small land base, Kelowna residents may be more likely than other Canadians to find themselves living near a construction project.

Despite that, our bylaws governing construction times and days are among the loosest in the country. Construction work can now go on 7 days a week from 7am to 9pm, 365 days a year, even on statutory holidays. Plus, variances are available to allow crews to begin construction in the middle of the night.

Many of these projects can last one year, two years, even three years. This can be very difficult for neighbours of all ages to cope with. A variety of Kelowna residents have recently written to the council describing the impact of on-going construction noise on their stress levels and the mental health of their entire families.

This motion's intent is to discover whether any changes be made to ease that impact while maintaining our momentum to provide more housing and at the same time supporting and protecting our thousands of construction workers. Some other development-heavy cities in BC allow fewer hours of construction each day plus no construction work on Sundays and statutory holidays.

In summary, I'd like to introduce for council's consideration a motion to have staff review Kelowna's construction noise bylaws and their variances, examine the bylaws in other communities, and issue recommendations for possible changes to ease the noise impact of Kelowna's widespread construction on nearby residents.

Date: February 12, 2024