

Schedule A – Proposed Text Amendments

Good Neighbour Bylaw No. 11500 – Amendment No. 3

No.	Section	Current Wording	Proposed Wording	Reason for Change
1.	Definitions	N/A	Holiday has the same meaning as in the British Columbia <i>Employment Standards Act</i> .	Limit definition to provincial holidays only for purposes of section 8.1.
2.	Definitions	Public Works Manager means the person with supervisory authority over the City's department of Public Works;	Delete	This title is no longer used and will be replaced with Roadways Operations Manager.
3.	Definitions	N/A	Roadways Operations Manager means the person with supervisory authority over the City's Roadways Operations.	Add new defined term.
4.	8.1	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.	8.1 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 that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity except: a) <u>between the hours of 7:00 am and 9:00 pm on any week day that is not a holiday;</u> b) <u>between the hours of 7:00 am and 4:00 pm on any week day that is a holiday, or on any Saturday;</u> c) <u>between the hours of 8:00 am and 4:00 pm on any Sunday.</u>	Implement changes to construction noise window for weekends and statutory holidays; clarify that the bylaw is only concerned with construction noise that constitutes a disturbance.

5.	8.2	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.	8.2 A person may apply to the Roadways Operations 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 Roadways Operations Manager or Development Engineering Manager , as appropriate, must be submitted at least five (5) business days prior to the date of the proposed activity.	Minor textual improvements.
6.	8.3	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	8.3 Upon receiving an application submitted in accordance with section 8.2, the City may, by written permit, vary the time restrictions set out in section 8.1 either with respect to a specific location or throughout the City generally. Such permit may be issued if, in the opinion of the Roadways Operations Manager or Development Engineering Manager , as appropriate: a) public safety or traffic <u>any of the following</u> considerations make it necessary or expedient that the work or	Add extreme heat conditions as a criterion upon which a variance may be granted. Move text dealing with mitigations to new section 8.3.1. Minor textual improvements.

		<p>(b) it is impossible or impractical to carry out, within those time restrictions:</p> <ul style="list-style-type: none"> (a) excavation; (ii) concrete pouring or finishing; (iii) major structural or mechanical component delivery or placement; <p>or</p> <ul style="list-style-type: none"> (iv) relocation of a building; and <p>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.</p>	<p>activity commence or continue beyond those time restrictions;;or</p> <ul style="list-style-type: none"> i. <u>safety of the public or the environment;</u> ii. <u>significant impacts to traffic impacts on public roadways;</u> iii. <u>extreme heat conditions (i.e. forecasted daily high temperature of 30 degrees Celsius or higher according to the 24-hour Environment Canada weather forecast for Kelowna); or</u> <p>b) it is impossible or impractical to carry out, within those time restrictions:</p> <ul style="list-style-type: none"> ii. excavation; iii. concrete pouring or finishing; iv. <u>dewatering;</u> v. major structural or mechanical component delivery or placement; or vi. relocation of a building;;and <p>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.</p>	
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7.	8.3.1	N/A	<p><u>A permit issued in accordance with section 8.3 of this bylaw may be subject to such terms and restrictions as deemed necessary by the Roadways Operations Manager or Development Engineering Manager, as appropriate, to mitigate the impact of the construction noise on the adjacent neighbourhood. Such terms and mitigations may include, but are not limited to:</u></p> <ul style="list-style-type: none"> a. <u>prior notification of the neighbourhood that would be affected;</u> b. <u>restrictions on the type of work performed; and</u> c. <u>restrictions on the use of heavy equipment and vehicles.</u> 	Expand on the type of mitigations that may be required by staff as conditions to issuance of a variance.
8.	8.7	N/A	<p>8.7 <u>Section 8.1 of this bylaw does not apply to municipal or other government personnel or contractors carrying out work on behalf of the City or government, as applicable, including but not limited to snow removal, maintenance and repair of highways, public works, infrastructure, buildings, structures, parks and other lands.</u></p>	Add new section to exempt municipal and other government operations such as snow clearing, road maintenance etc. from application of the bylaw.