
CITY OF KELOWNA

MEMORANDUM

Date: February 10, 2003
File No.: 4000-00; B/L 8969
To: City Manager
From: Licence and Bylaw Enforcement Supervisor
Subject: Amendment to City of Kelowna Noise Control Bylaw No. 6647-90

RECOMMENDATION

THAT Bylaw No. 8969, being Amendment No. 1 to Kelowna Noise Control Bylaw No. 6647 be advanced for reading consideration.

BACKGROUND

The City of Kelowna enacted the current "Kelowna Noise Control Bylaw No. 6647-90 on June 26, 1990 in order to regulate or prohibit the making or causing of noises or sounds in or on any highway or elsewhere in the city. Since the passing of this Bylaw situations have occurred that required RCMP involvement and prompted requests for additional legislation to assist them in the abatement and control of noise and disturbances. Joint meetings between the RCMP and Bylaw Enforcement staff have resulted in obtaining information from Victoria and Edmonton who have enacted similar bylaws in an attempt to control such activities.

The proposed amendment would rename the bylaw to Kelowna Noise *and Disturbance* Control Bylaw No. 6647-90 and add a new subsection to the bylaw under *Section 3: General Regulations* to read:

- 3.9 No person shall create a nuisance or disturbance upon any portion of a highway or other public place, or 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.

This particular portion of the bylaw will be enforced by the RCMP under the Municipal Ticket Information Process with a penalty of \$150.00 for each violation. The RCMP will also assess the circumstances of each occurrence to determine if the criminal code has been breached which would result in criminal processes through the courts.

Respectfully Submitted,

J.A. Dixon
Licence and Bylaw Enforcement Supervisor

JAD/ss