



**RESORT MUNICIPALITY OF WHISTLER**

4325 Blackcomb Way      **TEL** 604 932 5535  
Whistler, BC Canada V8E 0X5      **TF** 1 866 932 5535  
[whistler.ca](http://whistler.ca)      **FAX** 604 935 8109

## STAFF REPORT TO COUNCIL

**PRESENTED:** June 21, 2022      **REPORT:** 22-088  
**FROM:** Protective Services      **FILE:** 4700  
**SUBJECT:** NOISE REGULATION BYLAW NO. 2362, 2022 REPORT

### RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Corporate and Community Services be endorsed.

### RECOMMENDATION(S)

That Council consider giving first, second and third readings to “Noise Regulation Bylaw No. 2362, 2022”.

### PURPOSE OF REPORT

The purpose of this report is to present “Noise Regulation Bylaw No. 2362, 2022” (the Noise Bylaw 2022) to Council for consideration of first three readings. The purpose of Noise Bylaw 2022 is to regulate and enforce on noise in Whistler.

Information Report       Administrative Report (Decision or Direction)

### DISCUSSION

#### Background

The “Noise Regulation Bylaw No. 2295, 2021” (Noise Bylaw 2021) and “Bylaw Notice Enforcement Amendment Bylaw 2296, 2021” (the Noise Enforcement Bylaw) were presented to Council for consideration on July 6, 2021 and the Noise Bylaw 2021 received first three readings that night. Council deferred the Noise Enforcement Bylaw requesting more information on the bylaw ticket and fine amounts. The Noise Enforcement Bylaw was re-presented to Council on August 17, 2021 where Council gave the first three readings. On September 7, 2021 at the Regular Council meeting both the Noise Bylaw 2021 and the Noise Enforcement Bylaws were presented for adoption, however Council defeated the Noise Bylaw 2021 when presented for adoption and directed staff to:

*“consider seasonal changes to the starting time for permissible construction noise as referenced in the August 23, 2021 Canadian Home Builders’ Association letter to Council for further consideration by Council at a future Council meeting.”*

Adoption of the Noise Enforcement Bylaw was deferred to a future meeting.

Staff prepared a community survey that was open from October 18, 2021 to November 1, 2021. Respondents were asked about construction start times, finish times and preferred days of the week for allowing construction noise. The survey was developed in connection with the Communications department and staff sought community input.

Staff also reviewed the regulatory approaches to managing construction noise that are in place in a number of comparable communities. This included analyzing the total number of permitted construction noise hours per year in each of those communities.

Staff presented options and sought Council's direction to proceed at the March 22, 2022 Regular meeting. Council defeated the recommended motion. At that meeting, Council asked staff to consult with the construction industry for additional input and return to Council with more information to inform the approach on permitted construction noise hours.

Staff presented further options at the May 24, 2022, Regular Council meeting after speaking with the Canadian Home Builders Association (CHBA) and proposed revised construction times. At that meeting, Council provided further direction and moved a resolution with their preferred construction noise hours for staff to bring forward in a new noise bylaw at a future meeting.

## **Analysis**

### **Construction Noise Times**

The outcome of the aforementioned processes is that the noise exemptions provided for in this proposed Noise Bylaw state a person shall not make, or allow to be made, the following noises:

- construction noise anywhere other than in an industrial zone between 8:00pm and 9:00am on a Sunday or a statutory holiday and between 8:00pm and 7:30am on all other days;

Staff note that in areas zoned to permit Industrial uses, the construction times (7 a.m. to 10 p.m.) will remain unchanged from the current "Noise Control Bylaw No. 1660, 2004" (current Noise Bylaw).

These construction noise times represent a change from the current Noise Bylaw wherein construction noise is not permitted from 8pm to 8am, 7 days a week. The proposed change yields a total of 4,473 hrs of annually permitted construction noise, an increase of 90 hours from the current Noise Bylaw.

### **Non-Construction Noise Changes**

As a reminder, at the July 6, 2021 Council meeting, the Noise Bylaw 2021 had a number of other changes from the current Noise Bylaw.

The current Noise Bylaw was adopted in 2004. These non-construction related changes were proposed to reflect current case law, ensure the use of plain and clear language, and update non-enforceable aspects of the current Noise Bylaw. Note that the proposed Noise Bylaw 2022, includes all of these changes as well.

The Noise Bylaw 2022:

- Adds the definition for noise and construction noise, and noise related to construction and industrial activities.
- Removes the definition for personal water craft and related sections related to the operation of a personal watercraft or snowmobile on Alta Lake, Green Lake, Lost

Lake or the River of Golden Dreams. Navigation rights can only be regulated by the Federal Government: the Conservation Officer Service or RCMP agencies that enforce Provincial and Federal legislation; this is not a Bylaw responsibility.

- Adds exemptions including:
  - noise ordinarily associated with the operation of a restaurant, bar or outdoor patio area shall be exempt, occurring other than during quiet hours;
  - sounds made by the voices of children playing;
  - the reasonable operation of a solid waste removal truck;
  - the reasonable operation of loading or unloading of goods, material, machines, equipment;
  - the use of bells or chimes for the announcing of public worship services; and
  - the use of parks or other areas for permitted special events.

### **Notice Enforcement Bylaw - Miscellaneous Amendments**

The Noise Enforcement Bylaw (attached as Appendix A for reference) has the proposed amendments to allow for enforcement of noise violations found in Noise Bylaw 2022. The Noise Enforcement Bylaw received first three readings on August 17, 2021 and reflects all the updates to Noise Bylaw 2022. Once Noise Bylaw 2022 has received third reading, both the Noise Bylaw 2022 and the Noise Enforcement Bylaw will be brought forward for adoption. As a reminder, the maximum bylaw notice amount for a bylaw violation is \$500.

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## **POLICY CONSIDERATIONS**

### **Relevant Council Authority/Previous Decisions**

[July 6, 2021: Administrative Report No. 21-073](#)

[August 17, 2021: Administrative Report No. 21-092](#)

[September 7, 2021: Regular Council minutes](#): Council defeated the motion to adopt the “Noise Regulation Bylaw No. 2295, 2021.” The Council resolution passed on September 7, 2021 stated: “That Council direct staff to consider seasonal changes to the starting time for permissible construction noise as referenced in the August 23, 2021 Canadian Home Builders' Association letter to Council (Appendix A) for further consideration by Council at a future Council meeting.”

[March 22, 2022: Administrative Report No. 22-040](#) At the March 22, 2022 Council meeting, Council amended the recommended resolution and carried the following: “That Council direct staff to consult with the construction industry for further input and return to Council with more information to inform the decision on construction hours.”

[May 24, 2022: Administrative Report No. 22-076](#) At the May 24, 2022, Council amended the recommended resolution and carried the following: “That Council direct staff to prepare the new Noise Regulation Bylaw No. 2295, 2021 premised on permitted construction noise hours as follows:

- 7:30am to 8:00pm Monday to Saturday
- 9:00am to 8:00pm Sunday and Statutory Holidays

## **Corporate Plan**

The RMOW Corporate Plan is updated annually and articulates strategic direction for the organization. This section identifies how this report links to the plan.

### **Council Focus Areas**

Community Balance

*Effectively **balance resort and community needs** through deliberate planning, partnerships and investment*

Climate Action

*Provide leadership to **accelerate climate action and environmental performance** across the community*

Housing

*Advance strategic and innovative initiatives to enable and **deliver additional employee housing***

Pandemic Recovery

*Leadership and support for **community and tourism recovery and sustainability** – priority focuses are where recovery needs intersect with other Council focus areas*

Not Applicable

### **Corporate Goals**

Community character and mountain culture is reflected in municipal initiatives

Municipal decision-making supports the effective stewardship of natural assets and ecological function

Corporate policies and operations ensure continuous excellence in infrastructure, facility and program management

A high level of accountability, transparency and community engagement is maintained

Corporate financial health is optimized to ensure long-term community success

A vibrant local economy and safe, resilient resort community is effectively reinforced by organizational activities

Pandemic recovery

## **Community Vision and Official Community Plan**

The Official Community Plan (OCP) is the RMOW's most important guiding document that sets the community vision and long-term community direction. This section identifies how this report applies to the OCP.

**Community Vision - Whistler is a place where residents and visitors enjoy the resort community peacefully and safely. Whistler residents have strong community connections and people look out for one another.**

Earlier start times Monday to Saturday for construction noise may not bring more peace to the resort community. Later start times on Sundays and statutory holidays would allow residents and visitors to enjoy the resort community peacefully.

**4.1 Goal – Land use and development are effectively managed to maintain Whistler’s unique sense of place, protect Whistler’s natural environment, provide a high quality of life for residents and provide exceptional experiences for our visitors.**

Construction noise can have an impact on the quality of life for residents and may not provide an exceptional experiences for our visitors.

**6.6 Goal - Support a vibrant, growing and successful local business community.**

**6.6.1.1. Policy -** Support a vibrant, growing and successful local business community.

The proposed recommendation seeks to support the local business community while balancing the potential impacts of noise bylaw changes.

**8.6 Goal – Create and embed effective governance mechanism and partnerships to create trust, responsibility and accountability.**

**8.6.1. Objective - Implement leading practices for good governance.**

**8.6.1.1. Policy** Implement strategies to be an open and transparent government.

Staff employed community surveys to support access to open and transparent government on this issue.

**8.7 Goal - Ensure Whistler is a safe and secure resort community.**

**8.7.3 Objective - Maintain a safe and enjoyable community by encouraging compliance with bylaws.**

**8.7.3.2. Policy -** Prioritize direct, proactive enforcement of key priority issues.

**8.7.3.3. Policy -** Deliver effective education programs to promote and enhance bylaw compliance.

**BUDGET CONSIDERATIONS**

There are no municipal budget considerations associated with the report recommendation.

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**LIL’WAT NATION & SQUAMISH NATION CONSIDERATIONS**

The RMOW is committed to working with the Lil’wat People, known in their language as *L’il’wat7úl* and the Squamish People, known in their language as the *Skwxwú7mesh Úxwumixw* to: create an enduring relationship; establish collaborative processes for Crown land planning; achieve mutual objectives; and enable participation in Whistler’s resort economy. This section identifies areas where RMOW activities intersect with these relationships.

There are no specific considerations to include in this report.

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**COMMUNITY ENGAGEMENT**

Level of community engagement commitment for this project:

- Inform     Consult     Involve     Collaborate     Empower

Comment(s):

The construction noise survey was open from October 18, 2021 to November 1, 2021. A total of 387 responses were received. Results of the survey were considered in the development of the options included within the March 22, 2022 Council report. Staff also reached out and sought the input of the CHBA.

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**REFERENCES**

Appendix A – “Bylaw Notice Enforcement Amendment Bylaw No. 2296, 2021”

“Noise Regulation Bylaw No. 2362, 2022” (included in Council Package)

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**SUMMARY**

This report presents an updated Noise Bylaw 2022 to Council for consideration of first three readings. The proposed Noise Bylaw 2022 will provide an improved enforcement basis to regulate noise. The staff recommendation reflects the Council resolution from the May 24, 2022 Regular Council meeting with their preferred construction noise hours in addition to other changes that are required to the current Noise Bylaw.

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**SIGN-OFFS**

**Written by:**

Kevin Creery,  
Planning Analyst

**Reviewed by:**

Lindsay DeBou,  
Manager of Protective Services

Ted Battiston,  
General Manager of Community and  
Corporate Services

Virginia Cullen,  
Chief Administrative Officer