

RESORT MUNICIPALITY OF WHISTLER

NOISE REGULATION BYLAW NO. 2362, 2022

A BYLAW TO REGULATE NOISE WITHIN THE RESORT MUNICIPALITY OF WHISTLER

WHEREAS the Council of the Resort Municipality of Whistler believes that noise made contrary to the regulations in this Bylaw is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public in the Resort Municipality;

NOW THEREFORE the Council of the Resort Municipality of Whistler, in open meeting,
ENACTS AS FOLLOWS:

CITATION

1. This Bylaw may be cited for all purposes as the “Noise Regulation Bylaw No. 2362, 2022”.

INTERPRETATION

2. In this Bylaw:

“bylaw enforcement officer” means an RCMP police officer or a person appointed from time to time by Council as a:

- a. Bylaw Enforcement Officer;
- b. Parking Enforcement Officer; or
- c. person appointed for the purpose of enforcing the bylaws of the Resort Municipality.

“construction noise” means any noise made on a construction site or resulting from any of the following activities:

- a. carrying on work in connection with the construction, demolition, reconstruction, alteration, or repair of a building or structure;
- b. carrying on any excavation; or
- c. moving or operating any machine, engine or construction equipment;

“noise” means a loud or irritating sound that includes, but is not limited to:

- a. calls, cries, barks or other noises made by domestic animals;
- b. sounds made by playing musical instruments;
- c. sounds resulting from the operation of amplifiers such as stereos or public address systems;
- d. intermittent or reiterated cries or shouts that continue for a period of 3 minutes or more in any 15-minute period;
- e. sounds resulting from the operation of any kind of equipment, machinery, or engine.

“Resort Municipality” or “RMOW” means the corporation of the Resort Municipality of Whistler; and

“special event” has the same meaning as in “Special Event Bylaw No. 2171, 2019”, as

amended.

GENERAL

3. A person shall not make or cause, or permit to be made or caused, any noise which disturbs or is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of individuals in the vicinity.
4. An owner or occupier of real property shall not allow the real property to be used so that noise or sound which emanates from the real property disturbs or is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or individuals in the vicinity.

PROHIBITED NOISES

5. Without limiting the generality of Sections 3 and 4 of this Bylaw, but subject to exemptions provided for in this Bylaw, a person shall not make, or allow to be made, the following noises:
 - a. noise which disturbs or is liable to disturb between 10pm to 8am;
 - b. 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;
 - c. construction noise in an industrial zone under Zoning and Parking Bylaw No. 303, 2015 between 10pm and 7am;
 - d. noise which can be easily heard from outside the boundary of the property or premises from which it emanates created by a domesticated animal for a continuous period of 10 minutes or longer;
 - e. noise resulting from the operation of a public address system outside of a building or structure.

EXEMPTIONS

6. This Bylaw does not apply to the following:
 - a. police, fire or ambulance service personnel operating vehicles or equipment responding to an emergency;
 - b. vehicles or equipment used to make emergency repairs to public utilities and services;
 - c. the operation of a public address system, or alarm system, required under a building or fire code;
 - d. any construction, maintenance or repair by the RMOW of any highway, bridge, or land, or of any water, sewer or other utility works;
 - e. public grounds maintenance;
 - f. snow removal;
 - g. highway cleaning;
 - h. golf course grounds maintenance operations;
 - i. avalanche control;
 - j. snow making or grooming;
 - k. the reasonable operation of a solid waste removal truck;
 - l. the reasonable operation of loading or unloading of goods, material, machines, or equipment;

- m. the use of bells or chimes for the announcing of public worship services;
 - n. the use of parks or other areas for permitted special events within the hours of operations of the event;
 - o. sounds made by the voices of children playing; and
 - p. noise ordinarily associated with the operation of a restaurant, bar, outdoor patio that occurs between 8am to 10pm.
7. Despite sections 3 and 4, this Bylaw only prohibits construction noise that is described in section 5 of this Bylaw.

INSPECTION

8. No person shall interfere with or obstruct a bylaw enforcement officer in issuing a ticket or bylaw notice, or otherwise carrying out their duties in the enforcement of this Bylaw.

OFFENCES AND PENALTIES

9. A person who:
- a. contravenes or violates any provision of this Bylaw;
 - b. permits, suffers or allows a contravention of a provision of this Bylaw; or
 - c. fails to comply with a requirement of this Bylaw;
- commits an offence, and on being found guilty is liable to a fine not exceeding \$50,000.00.
10. Each day that a violation continues or exists under this Bylaw is a separate offence.

REPEAL

11. "Noise Control Bylaw No. 1660, 2004" and its amendments are repealed.

GIVEN FIRST, SECOND AND THIRD READINGS this 21st day of June, 2022.

ADOPTED by the Council this ____ day of _____, 2022.

Jack Crompton, Mayor

Pauline Lysaght, Corporate Officer

I HEREBY CERTIFY that this is a true copy of "Noise Regulation Bylaw No. 2362, 2022".