

RESORT MUNICIPALITY OF WHISTLER

NOISE REGULATION BYLAW NO. 2295, 2021

A BYLAW TO REGULATE NOISE WITHIN THE RESORT MUNICIPALITY OF WHISTLER

WHEREAS 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 assembled, **ENACTS AS FOLLOWS:**

CITATION

1. This Bylaw may be cited for all purposes as the “Noise Regulation Bylaw No. 2295, 2021”.

INTERPRETATION

2. In this Bylaw:

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

- a) Bylaw Enforcement Officer;
- b) Parking Enforcement Officer;
- c) person appointed for the purpose of enforcing bylaws in the Resort Municipality; or
- d) Royal Canadian Mounted Police officer;

“construction noise” means any noise made on or associated with a construction site:

- a) in carrying on work in connection with the construction, demolition, reconstruction, alteration, or repair of a building or structure;
- b) in carrying on any excavation or other operation; or
- c) in 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 the following noises:
 - a) noise which disturbs or is liable to disturb between 10pm to 8am;
 - b) construction noises from 8pm to 8am in residential or commercial areas;
 - c) noise in industrial zones from 10pm to 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 area shall be exempt during 8am to 10pm.
7. Despite sections 3 and 4, but subject to section 5, Construction Noise is permitted during the hours between 8 am and 8 pm and noise associated with an industrial operation within an industrial zone is permitted during the hours between 7 am and 10 pm.

INSPECTION

8. A bylaw enforcement officer may enter a property at a reasonable time to ascertain whether a person is in compliance with the provisions of this Bylaw.
9. A person shall not 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.
10. A person shall not interfere with or obstruct the entry of a bylaw enforcement officer onto any land or into any building to which entry is made or attempted under the provisions of this Bylaw.

OFFENCES AND PENALTIES

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

REPEAL

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

GIVEN FIRST, SECOND, and THIRD READINGS this 6th day of July, 2021.

ADOPTED by the Council this ___ day of _____, 2021.

Jack Crompton,
Mayor

Pauline Lysaght,
Corporate Officer

I HEREBY CERTIFY that this is a
true copy of "Noise Regulation
Bylaw No. 2295, 2021".
