

RESORT MUNICIPALITY OF WHISTLER

BYLAW NO. 1660, 2004

A Bylaw to regulate, prohibit, and otherwise control noise in the Resort Municipality

WHEREAS Council of the Resort Municipality of Whistler considers it to be in the public interest to regulate or prohibit noise in the Resort Municipality of Whistler;

AND WHEREAS Council may make different regulations or prohibitions for different areas of the Municipality;

AND WHEREAS Council believes noises made contrary to the regulations and permitted noise levels in this Bylaw are objectionable or liable to disturb the quiet, peace, rest and enjoyment, comfort or convenience of individuals or the public;

Now therefore the Council of the Resort Municipality of Whistler enacts as follows:

Title

This Bylaw may be cited for all purposes as the "Noise Control Bylaw No. 1660, 2004".

Interpretation

In this Bylaw:

"Bylaw Enforcement Officer" means every person designated by Council as a Bylaw Enforcement Officer, and includes every peace officer;

"Council" means the Municipal Council of the Resort Municipality;

"Personal Water Craft" means a vessel less than 4 metres in length, without a cockpit, propelled by equipment which includes an internal combustion engine and a jet pump and which is designed to be operated by a person sitting, standing, or kneeling on the vessel;

"Resort Municipality" means the Resort Municipality of Whistler or, where the context requires, the area within the municipal boundaries of the Resort Municipality of Whistler.

Prohibited Noises and Sounds

1. No person shall make or cause, or permit to be made or caused, in or on a highway or elsewhere in the Resort Municipality, any noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.

2. No owner or occupier of real property shall use such real property, or permit such real property to be used, so that noise or sound which emanates from that real property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.
3. Without limiting the generality of Section 2 or 3 of this Bylaw, no person shall:
 - (a) operate or play any musical instrument, radio, stereophonic equipment, or other device for the production or amplification of sound, or permit such devices to be operated or played, in the Resort Municipality in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity; or
 - (b) permit any animal, by its calls, cries, barks, or other noises or sounds, to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.
4. Without limiting the generality of Section 2 or 3 of this Bylaw, Council believes that the following noises or sounds are objectionable:
 - (c) any amplified music or speech which is audible between the hours of 10:00 p.m. and 8:00 a.m. outside the premises on the real property from which it emanates or is reproduced, or at any boundary of the real property from which it emanates or is reproduced;
 - (d) any amplified music or speech that is projected into any highway or public place located in the area outlined in bold on the plan attached as Schedule "A" to this bylaw;
 - (e) any calls, cries, barks, or other noises or sounds made by an animal which are audible between the hours of 8:00 p.m. and 8:00 a.m. outside the premises where the animal is kept or at any boundary of the real property where the animal is kept;
 - (f) any noise or sounds made by the operation of any machinery or equipment between the hours of 8:00 p.m. and 8:00 a.m. in an area zoned to permit residential uses under the Resort Municipality's zoning bylaw and between the hours of 10:00 p.m. and 7:00 a.m. in an area zoned to permit industrial uses under the Resort Municipality's zoning bylaw.
 - (g) any noise or sounds made in the construction, reconstruction, alteration, repair or demolition ("Construction Noises") of any building, structure, or thing, including the excavation or filling of land, between the hours of 8:00 p.m. and 8:00 a.m. in an area zoned to permit residential uses under the Resort Municipality's zoning bylaw and between the hours of 10:00 p.m. and 7:00 a.m. in an area zoned to permit industrial uses under the Resort Municipality's zoning bylaw;

- (h) any noise or sounds produced by the operation of personal water craft or a snowmobile on Alta Lake, Green Lake, Lost Lake, or River of Golden Dreams.

Exemption

- 5. This Bylaw does not apply to noises or sounds produced by:
 - (a) Police, fire, or other emergency vehicles proceeding upon or engaged in an emergency;
 - (b) the excavation, filling, construction, reconstruction, alteration, or repair of streets, highways, bridges, public works, infrastructure, or lands by the Resort Municipality's employees or agents;
 - (c) boulevard and other public grounds maintenance operations;
 - (d) snow removal or highway cleaning operations;
 - (e) the use of bells or chimes for the announcing of public worship services;
 - (f) the operation of a public address system, or alarm system, required under a building or fire code;
 - (g) golf course grounds maintenance operations;
 - (h) avalanche control operations, or
 - (i) snow making or grooming operations.

Inspection

- 6. A Bylaw Enforcement Officer may enter on any property at any reasonable time for the purpose of ascertaining whether the regulations and requirements of this Bylaw are being observed. No person shall obstruct the entry of a Bylaw Enforcement Officer under this section.

Offences and Penalties

- 7. Any person who contravenes this Bylaw is liable upon summary conviction to a fine not exceeding \$10,000.00 and the cost of prosecution. Every day during which there is an infraction under this Bylaw shall constitute a separate offence.

Severability


8. If any section or lesser portion of this Bylaw is held to be invalid by a Court, such invalidity shall not affect the remaining portions of the Bylaw.

Repeal


- a. "Noise Control Bylaw No. 692, 1988", as amended, is repealed.

READ A FIRST TIME, SECOND TIME AND THIRD TIME this 19th day of January, 2004.

ADOPTED this 2nd day of February, 2004.




Hugh O'Reilly
Mayor



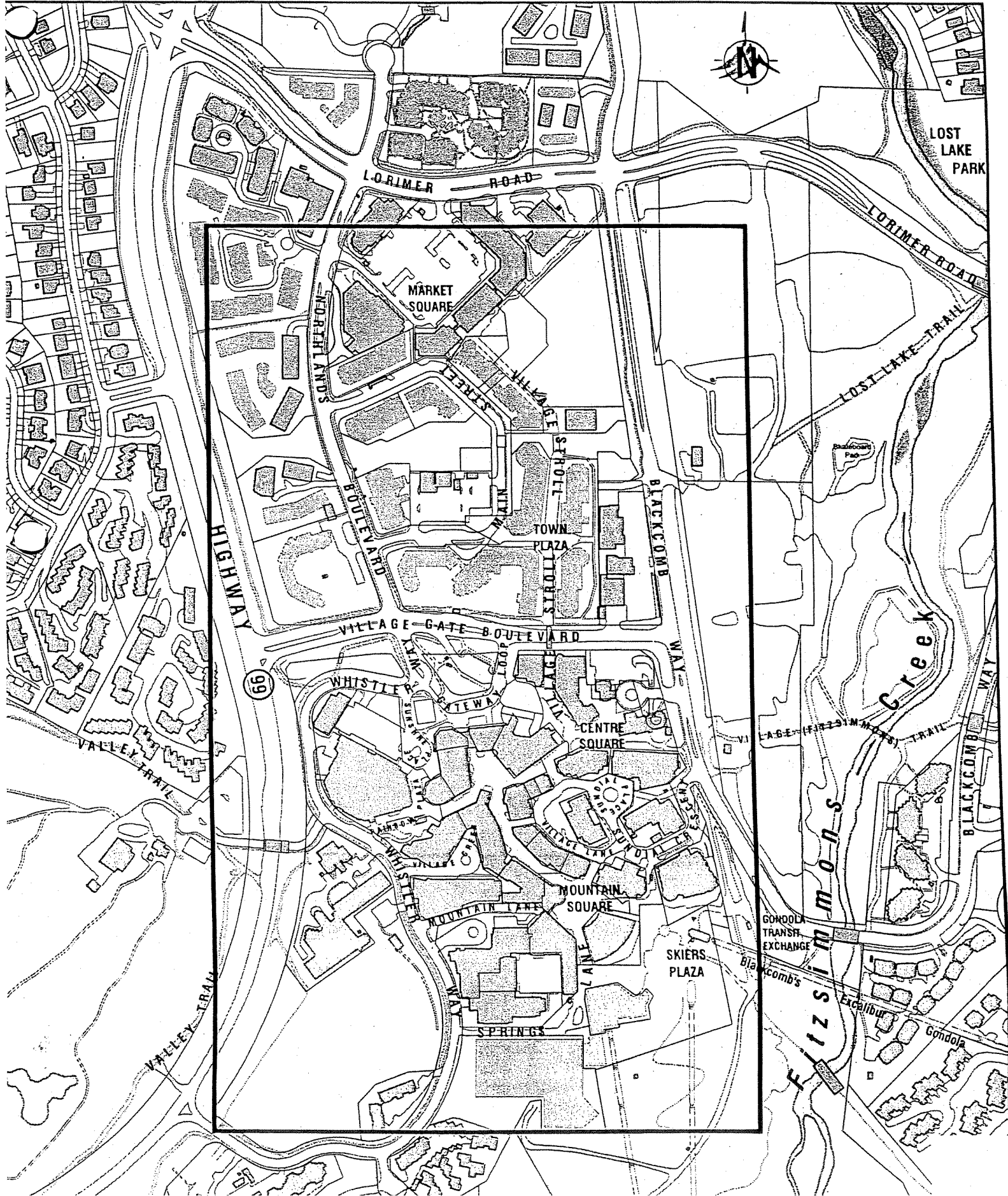
Brenda Sims
Municipal Clerk

I HEREBY CERTIFY that this is a true copy
of the "Noise Control Bylaw No. 1660, 2004."



Brenda Sims
Municipal Clerk

Schedule "A"
Bylaw No. 1660, 2004



LOST LAKE PARK

LORIMER ROAD

MARKET SQUARE

NORTH LANE

BOULEVARD

MAIN

TOWN PLAZA

TOWN'S

VILLAGE GATE BOULEVARD

66

WHISTLER

STEWART

CENTRE SQUARE

VALLEY TRAIL

MOUNTAIN SQUARE

MOUNTAIN LANE

SKIERS PLAZA

SPRINGS

GONDOLA TRANSIT EXCHANGE

ELIZABETH WILSONS

Excelsior

Gondola

Creek

LORIMER ROAD

LOST LAKE TRAIL

BLACKCOMB WAY

