

RESORT MUNICIPALITY OF WHISTLER

CONSOLIDATED BYLAW NO. 305

**A BYLAW TO PROVIDE FOR THE PREVENTION, ABATEMENT
AND PROHIBITION OF NUISANCES**

WHEREAS Council is empowered by the Municipal Act R.S.B.C. 1979, c.290 (the "Act") to provide for the prevention, abatement and prohibition of nuisances and the recovery of the cost of abatement of nuisances from the person causing the nuisance and other persons described in the Bylaw;

NOW THEREFORE the Council of the Resort municipality of Whistler in open meeting assembled ENACTS AS FOLLOWS:

1. For the purpose of the Bylaw, unless the context otherwise requires, the following words shall have the meaning hereinafter assigned to them:

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"nuisance" means an activity, physical condition, or anything which causes harm or annoyance or which is injurious to the health, or indecent, or offensive to the senses, or an obstruction to the lawful free use of property so as to interfere with the comfortable enjoyment of the property.

"highway" shall mean a street, road, lane, bridge, sidewalk, walkway, viaduct and any other way to open public use.

2. No person shall:

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- (a) cause any nuisance within the Resort Municipality of Whistler; or
- (b) if the owner or occupier of real property within the Resort Municipality, cause, suffer, or permit any nuisance in or upon the real property.

3. The Council of the Resort Municipality of Whistler in the event of a nuisance in or upon real property or premises within the Resort Municipality may deliver a notice in writing to the:

- (a) owner or occupier of the real property or premises or the agent of either of them; or
- (b) person causing the nuisance,

requiring the nuisance to be abated or removed from the real property or premises on the real property before the expiry of twenty-one (21) days after the delivery of the notice.

4. In the event of default of this abatement or removal and failure of the owner or occupier of the real property or premises on the real property or agent of either of them to comply with the written notice to abate or remove the nuisance, the Council hereby authorizes agents and employees of the Resort Municipality to enter the real property or premises on the real property affected to effect the abatement or removal at a time and in a manner of administrative convenience to the Resort Municipality at the expense of the person defaulting.
5. In the event the person defaulting in the removal fails to pay the charges by the Resort Municipality for effecting the removal, and if the charges are unpaid on the thirty-first (31st) day of December in any year, the charges shall be added to and form part of the taxes payable in respect of that real property as taxes in arrear.
6. The Bylaw Enforcement Officer of the Resort Municipality of Whistler is authorized to enter, at all reasonable times, on any real property or premises on real property in the Resort Municipality to ascertain whether the regulations under this Bylaw are being observed.
7. Any person who violates any of the provisions of this Bylaw, or who neglects to do or refrain from doing anything required to be done by any of the provisions of this Bylaw, or who does any act which violates any other provisions of this Bylaw, shall be guilty of an infraction of this Bylaw, and upon summary conviction therefor shall be liable to a fine and penalty not exceeding two thousand dollars (\$2,000.00) in addition to a charge or lien imposed on a person's lands under this Bylaw.
8. A new offence shall be deemed under this Bylaw to have been committed each day a nuisance continues after the time limit specified in the notice delivered by Council under this Bylaw has passed.
9. This Bylaw may be cited for all purposes as "Nuisance Bylaw No. 305, 1983".
10. It is an offence for a person, whether alone or in concert with others, to obstruct impede the lawful passage of another person in a park, on a highway or in a public place, unless permission has first been obtained from Council.
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11. It is an offence for a person, whether alone or in concert with others to make noise by shouting or using a voice amplification device in any public place, which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighborhood, or of persons in the vicinity, unless the activity is part of a business or other activity for which a permit has been issued by the Municipality, and which is not prohibited by the Resort Municipality of Whistler "Noise Control Bylaw No. 692, 1988".
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12. It is an offence for a person to use profane swearing, or indecent, obscene, or grossly insulting language or to exhibit indecent or drunken behavior in a park, public place or upon any highway, which may be easily heard or observed by other persons using the park, highway or public place.
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13. It is an offence for a person to defecate or urinate outside of washroom facilities in any park, public place, or upon any highway, where the defecation or urination may be easily observed by other persons or otherwise easily detected by persons using the park, highway or public place.

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This copy of "Nuisance Bylaw No. 305, 1983" has been consolidated and printed by the authority of the Municipal Clerk of the Resort Municipality of Whistler pursuant to Section 280.1 of the Municipal Act.



Brenda Sims
Municipal Clerk