

VILLAGE OF PEMBERTON  
NOISE REGULATION BYLAW NO.1006, 2026

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**A bylaw to regulate noise within the Village of Pemberton**

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The Council of the Village of Pemberton, in open meeting assembled, **ENACTS AS FOLLOWS:**

**CITATION**

1. This bylaw may be cited for all purposes as the “Village of Pemberton Noise Regulation Bylaw No. 1006, 2026”.

**INTERPRETATION**

**Definitions**

- 2 (1) In this bylaw:

the words “noise” and “sound” are used interchangeably;

*activity district* means an area within a zone permitting industrial uses or commercial uses as defined in the Village of Pemberton Zoning Bylaw No. 832, 2018, but specifically excludes areas in zones permitting a mix of commercial and residential uses;

*approved sound meter* means an instrument capable of measuring levels of sound pressure in accordance with the minimum requirements for Class 2 (general purpose) sound level meters as specified in ANSI S1.4 [1983], ANSI S1.43, IEC 60651[1979], IEC 61672, or IEC 60804 [1984] standards;

*authorized person* means the chief administrative officer, the community services officer, or building official for the Village of Pemberton, or their designates;

*construction* includes:

- (a) the erection, alteration, repair, relocation, dismantling, demolition and removal of a building;
- (b) land clearing, earth moving, earth compacting, grading, excavating, drilling, highway or road building and repair, structural maintenance, power-washing, painting, the laying of pipe and conduit (whether above or below ground), concrete placement, and the installation, or removal of construction equipment, components and materials in any form or for any purpose; or
- (c) any work being done in connection with any of the work listed in subparagraphs (a) or (b);

*council* means the elected council of the Village of Pemberton,

*daytime* means:

- (a) from 7:00am to 11:00pm on a weekday or Saturday, and
- (b) from 9:00am to 11:00pm on a holiday;

*earthworks* means construction activities related to land clearing, earth moving, earth compacting, grading, excavating, drilling, and highway or road building and repair activities;

*equivalent sound level* (Leq) means that constant or steady A-weighted sound level which, in a given situation and time period, conveys the same sound energy as does the actual time-varying A-weighted sound level, where Leq is measured using an integrating approved sound meter meeting ANSI S1.4 [1983], IEC 651 [1979] and IEC 804 [1984] specifications.

*excessive nuisance abatement fees* include, but are not limited to the following costs and expenses incurred while responding to a nuisance service call for the purpose of abating nuisance conduct, activity or condition:

- (a) the cost of police and Village staff salaries, including all benefits;
- (b) the cost of using Village, police or fire department equipment and vehicles;
- (c) the administration costs incurred by the Village to respond to a nuisance service call and abate a nuisance; and
- (d) the cost of repairs to damaged Village equipment, vehicles or property;

*impulsive sound* means any sound that has the following defining characteristics:

- (a) the onset is abrupt and the decay rapid, and
- (b) the duration of individual impulses is:
  - (i) less than one (1) second, and
  - (ii) brief compared to the occurrence rate;

*intermittent sound* means any sound or noise which is subject to rapid fluctuations in level of 5 dBA or more with the fluctuations occurring with a degree of regularity or repetitiveness at intervals of from three (3) minutes to and including five (5) minutes;

*nuisance service call* means a Village of Pemberton staff or police response to and abatement of any activity, conduct or condition occurring on or near real property which substantially and unreasonably interferes with another person's use and enjoyment of a public place or of real property occupied by that person, or which causes injury to the health, comfort or convenience of an occupier of real property and which is caused by or arises from a person's failure to comply with the requirements of this bylaw;

*police* means the RCMP or another police force providing service to the Village of Pemberton;

*point of reception* means a position that:

- (a) is within the property line of the real property occupied by the recipient of a noise,
- (b) is located at least 1.2 m above the surface of the ground, and
- (c) best represents the location at which the noise emanating from another property is received and the resulting disturbance experienced, or
- (d) is within six m outside the real property from which the noise is emanating;

*power equipment* means any powered equipment or machinery used in lawn and garden care or in building and property maintenance, including but not limited to leaf blowers, edge trimmers, rototillers, lawn mowers, pressure washers, carpet cleaning equipment and hand-operated power tools;

*quiet district* means those areas which are not otherwise designated as an *activity district* permitting industrial or commercial activity;

*quiet hours* means any time not included in the definition of *daytime*;

*representative time period* (RTP) means the noise measurement period over which a sample of the level or character of the noise under consideration will be taken for the purposes of section 3, according to the following categories of noises:

- (d) for constant noises, such as, without limitation, those noises produced by fixed-speed fans, heat pumps, pool pumps or other steadily operating machinery, the RTP is one (1) minute;
- (e) for noises that fluctuate in level or character in a repeatable fashion over periods of from three (3) seconds to one (1) minute, such as, without limitation, those noises produced by industrial or manufacturing processes, the RTP is five (5) minutes;
- (f) for noises that fluctuate in level or character in a repeatable fashion over periods of from one (1) to five (5) minutes, such as, without limitation, noises produced by an air compressor or other cyclical noise sources, the RTP is 15 minutes;
- (g) for noises that fluctuate in level and/or character in a repeatable fashion over periods of between five (5) and ten (10) minutes, the RTP is 30 minutes;
- (h) where several noise sources operate simultaneously, each with its own patterns of operation and or movement, such as, without limitation, in a shipyard or a recycling/materials-handling operation, the RTP is 30 minutes; and
- (i) for a noise source that exhibits significant variations in output over a time period of one (1) hour or more, the RTP is the period known to, or expected to, generate the maximum overall noise levels at the point of reception

*residential premises* means any parcel of real property utilized primarily for residential accommodation, and includes hotels and motels;

*Village* means the Village of Pemberton.

## **Interpretation**

- (2) The *Interpretation Act* applies to this bylaw.
- (3) In this bylaw, a reference to an Act refers to a statute of British Columbia and a reference to a statute, regulation or other enactment refers to that enactment as amended or replaced from time to time.

- (4) A reference to a person who holds an office includes a person appointed to act for that person from time to time.

### **Schedule**

- (5) Schedule 1 is attached to and forms part of this bylaw.

### **Severability**

- (6) If any definition, section, subsection, paragraph, subparagraph, clause or phrase in this bylaw is held invalid by a court of competent jurisdiction, the invalid definition, section, subsection, paragraph, subparagraph, clause or phrase must be severed, and the remainder of this bylaw is deemed to have been adopted without the severed definition, section, subsection, paragraph, subparagraph, clause or phrase.

### **Purpose**

- (7) The purpose of this bylaw is to set out regulations restricting noise in the Village of Pemberton.

## **PERMITTED SOUND LEVELS**

### **Quiet Districts**

- 3 (1) Except as otherwise provided in this bylaw, in a *quiet district*, a person must not make, cause or permit to be made or caused, any noise that, when measured with an *approved sound meter* over a representative time period, has an *equivalent sound level*, or Leq, which:
- (a) during the *daytime* exceeds
    - (i) 55 dBA or 70 dBC when received at a *point of reception* in a *quiet district*; or
    - (ii) 60 dBA or 70 dBC when received at a *point of reception* in an *activity district*; or
  - (b) during *quiet hours* exceeds
    - (i) 45 dBA or 65 dBC when received at a *point of reception* in a *quiet district*; or
    - (ii) 60 dBA or 65 dBC when received at a *point of reception* in an *activity district*.

## Activity Districts

- (2) Except as otherwise provided in this bylaw, in an *activity district*, a person must not make, cause or permit to be made or caused, any noise that, when measured with an *approved sound meter* over a representative time period, has an *equivalent sound level*, or Leq, which:
  - (a) during the *daytime* exceeds
    - (i) 60 dBA or 70 dBC when received at a *point of reception* in a *quiet district*; or
    - (ii) 70 dBA or 70 dBC when received at a *point of reception* in an *activity district*; or
  - (b) during *quiet hours* exceeds
    - (iii) 55 dBA or 65 dBC when received at a *point of reception* in a *quiet district*; or
    - (iv) 70 dBA or 65 dBC when received at a *point of reception* in an *activity district*.
- (3) For convenience, the noise limits set out in subsections (1) and (2) are summarized in the table in Schedule 1.
- (4) For all purposes under this bylaw, when assessing a sound relative to the limits set out in this section, the following correction factors must be applied to the measured *equivalent sound level* whenever the sound has, as a defining characteristic, impulsiveness or persistent intermittency:
  - (a) *impulsive sound*: a +5 dB correction if the sound under consideration is impulsive in character;
  - (b) *intermittent sound*: a +5 dB correction if the sound under consideration is persistently intermittent;
  - (c) multiple corrections: a correction equal to the sum of the corrections set out in subsections (a) and (b), as applicable, that the sound possesses.

## PROHIBITED NOISE

### Neighbourhood Disturbance

- 4 (1) Subject to the other provisions of this bylaw, a person:
  - (a) must not make or cause a noise in a highway, park or public place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity;

- (b) who is the owner or occupier of, or is in possession or control of, real property must not make, suffer, or permit any other person to make a noise on that real property, which can be easily heard by a person not on the same premises and which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity.
- (2) Subsection (1) does not apply if a noise level may practically be measured and the noise level is in compliance with section 3 of this bylaw.

### **General Prohibitions**

- (3) Without limiting the generality of this section, the following conduct is specifically prohibited:
- (a) shouting, using a megaphone or sound amplification device, or making other noise in, at or on, highways, parks, or other public places;
  - (b) the playing of any radio, phonograph, cassette or CD player, television, musical instrument or sound amplification device, whether in or upon a private premises, or in any public place, at such a volume as to disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of a person or the public;
  - (c) the operation of any motor vehicle, truck, motorcycle, bus or other motorized vehicle which by reason of disrepair, mode of operation, over-revving of engine, or excessive acceleration, or any other cause, creates noise which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of a person or the public;
  - (d) the sound of a horn, or other warning device, on a motor vehicle used for any purpose, other than as an audible warning incidental to the safe operation of the motor vehicle; or
  - (e) the sound of a brake or other type of engine brake on a motor vehicle used or operated for any purpose other than as an emergency braking device incidental to the safe operation of the motor vehicle.
- (4) Subsection (3) does not apply to a person who makes, causes, or permits to be made or caused, a noise in compliance with the provisions of section 3, unless the noise is clearly audible at a *point of reception* in a residential area during *quiet hours*.

### **CONSTRUCTION NOISE**

- 5 (1) A person must not at any time, in or adjacent to *residential premises*, make or cause noise resulting from *construction*, the *equivalent sound level* of which exceeds 85 dBA on an *approved sound meter* when measured at the greater of the following distances from that source of noise:
- (a) at the *point of reception*; or

- (b) 15.2 m (50 ft.).
- (2) Subsection (1) does not apply to *construction* work carried out within a highway.
- (3) Subject to sections 6., 7., 8., and 9., and subsection (1), a person may carry out any *construction* that disturbs the quiet, peace, rest or enjoyment of a person or the public, only
  - (a) between the hours of 7:00am and 8:00pm on any day from Monday to Friday that is not a holiday;
  - (b) between the hours of 8:00am and 8:00pm on a Saturday that is not a holiday, or
  - (c) between the hours of 10:00am and 4:00pm on a holiday.

### **EARTHWORKS**

- 6. Subject to section 5 (1), a person may carry out any *earthworks* that disturb the quiet, peace, rest or enjoyment of a person or the public, only
  - (a) between the hours of 7:00am and 6:00pm on any day from Monday to Friday that is not a holiday;
  - (b) between the hours of 8:00am and 6:00pm on a Saturday that is not a holiday, or
  - (c) between the hours of 10:00am and 4:00pm on a holiday.

### **POWER EQUIPMENT**

- 7. Despite any other provision of this bylaw, but subject to sections 8 and 9, a person may, when using or operating power equipment between the hours of 8:00am and 8:00pm on any day from Monday to Saturday, or between 10:00am and 4:00pm on a holiday, make or cause a noise that exceeds the noise level limits set out in section 3, if the *equivalent sound level* does not exceed 75 dBA, on an *approved sound meter*, when received at the greater of the following distances from that power equipment:
  - (a) at the *point of reception*; or
  - (b) 15.2 m (50 ft.)

### **LEAF BLOWERS**

- 8. Despite any other provision of this bylaw, a person may operate a leaf blower in or adjacent to a residential area, or a mixed residential and commercial area, if
  - (a) the equivalent sound level does not exceed 75 dBA on an *approved sound meter* when received at the greater of the following distances from that leaf blower:

- (i) the point of reception;
  - (ii) 15.2 m; and
- (b) the person operates the leaf blower
  - (i) between 9:00 a.m. and 8:00 p.m. on a weekday, or
  - (ii) between 9:00 a.m. and 5:00 p.m. on a Saturday, Sunday or holiday

### **CHAINSAWS**

9. Despite any other provision of this bylaw,
- (a) subject to subsection (b), a person may operate a chainsaw in or adjacent to a residential area or mixed residential and commercial area only
    - (i) between 8:00 a.m. and 8:00 p.m. on a weekday;
    - (ii) between 9:00 a.m. and 5:00 p.m. on a Saturday, Sunday or holiday;
  - (b) a person must not at any time operate a chainsaw the equivalent sound level of which exceeds 85 dBA on an *approved sound meter* when measured at the greater of the following distances from that chainsaw:
    - (i) at the point of reception;
    - (ii) 15.2m (50 feet).

### **SNOWMOBILES**

10. Despite any other provision of this bylaw,
- (a) subject to subsection (b), a person may operate a snowmobile in or adjacent to a residential area or mixed residential and commercial area only
    - (i) between 8:00 a.m. and 8:00 p.m. on a weekday;
    - (ii) between 9:00 a.m. and 5:00 p.m. on a Saturday, Sunday or holiday;
  - (b) a person must not at any time operate a snowmobile the equivalent sound level of which exceeds 75 dBA on an *approved sound meter* when measured at the greater of the following distances from that chainsaw:
    - (i) at the point of reception;
    - (ii) 15.2m (50 feet).

### **ADVERTISING**

11. A person who is the owner, occupier or in possession of any real property must not

cause or permit audio advertising which

- (a) is directed at pedestrians or motorists on any highway, street or sidewalk, or
- (b) can be heard on any highway, street or sidewalk

## **EXEMPTIONS**

- 12 (1) The following activities or sources of noise are exempt from the provisions of this bylaw:
- (a) a motor vehicle of the police or fire department, or an ambulance or other emergency motor vehicle, while engaged in a service of public convenience or necessity;
  - (b) the sounding of a horn or other signaling device, including a back-up warning sound, upon any motor vehicle, boat, or train, where such sounding is properly used as a danger or warning signal;
  - (c) the use, in a reasonable manner, of an apparatus or mechanism for the amplification of the voice or music in a residential area, park, or public facility in connection with a public meeting, public celebration, athletic or sports event or other public gathering, if:
    - (i) that gathering is held under a permit issued under the Village of Pemberton Special Event Bylaw or Parks and Public Spaces Use Bylaw, or
    - (ii) that gathering has received prior approval under subsection (2); andthe noise produced by that gathering does not exceed 90 dB when received at a point of reception or such other lower noise level specified in the permit or approval;
  - (d) the use of bells, chimes, or other calls to worship by religious institutions;
  - (e) a parade, performance, concert, ceremony, event, gathering, or meeting in or on a highway or public space, when permitted by bylaw or by a permit issued by the *authorized person*, subject to noise restrictions specified in the permit or bylaw;
  - (f) emergency repairs necessary for the preservation and protection of life, health, property or highways;
  - (g) municipal works including but not limited to the construction, repair, and maintenance of highways, parks, buildings, or any other municipal infrastructure;
  - (h) the reasonable operation of a snow removal vehicle or equipment;

- (i) any work carried out during restricted hours with permission of an *authorized person*, in writing, specifying the time during such restricted hours when such work may be performed;
- (j) public transit;
- (k) aeronautics;
- (l) blasting, if carried out in compliance with Blasting Regulation Bylaw No. 714, 2012;
- (m) normal farm practices on a farm operation as defined by and protected by the Farm Practices Protection (Right to Farm Act) Act, RSBC 1996;
- (n) the reasonable operation of a solid waste removal truck;
- (o) lawfully carrying on a trade or industry at a commercial, industrial or light industrial zoned area, if the sound or noise generated from such activity does not exceed the sound or noise common to such trade or industry when carried out in accordance with generally accepted industry standards using equipment and facilities in good operating order; and
- (p) fireworks, only between the hours of 8:00pm and 10:00pm on October 31 or between 8:00pm on December 31 and 1:00am on January 1, when set off in accordance with the fireworks permit, if applicable, and the regulations set out in Fire Prevention Bylaw No. 744, 2013.

### **Exemptions by Permit**

- (2) A person may apply for an exemption by permit if it is impractical or impossible to comply with the provisions of sections 5 to 9.
- (3) A person applying for an exemption must submit an application containing the information required by an *authorized person* and pay the permit fee set out in the Fees and Charges Bylaw at least 10 (ten) business days before the work begins.
- (4) An *authorized person* may deny the exemption or approve the exemption subject to terms set out in the permit.

### **REPEAT NUISANCE SERVICE CALLS**

- 13 (1) If police or Village staff are required to respond to a real property for:
- (a) more than one (1) nuisance service call within a 24 hour period, or
  - (b) more than three (3) nuisance service calls within a 12 month period,

the owner of the real property must pay an excessive nuisance abatement fee as set out in the Village of Pemberton Fees and Charges Bylaw, for each additional nuisance service call responded to at that same real property within the 12 month period

following the date of the *authorized person's* notice referred to in subsection (2).

- (2) Before imposing an excessive nuisance abatement fee, the *authorized person* will provide written notice to the owner of the real property:
  - (a) describing in reasonable detail the nature of the nuisance conduct, activity, or condition that occurred, or was maintained or permitted in, on, or near the real property, and
  - (b) advising the owner that excessive nuisance abatement fees will be imposed for each additional nuisance service call to the same real property, and that the imposition of the excessive nuisance abatement fees is in addition to the Village's right to seek other legal remedies or actions for abatement of nuisance.
- (3) Service of the notice referred to in Section 12 (f) will be sufficient if the notice:
  - (a) in the case of service on an individual, is served personally or mailed by prepaid registered mail to the address of the owner shown on the current year's real property assessment roll for the real property for which the notice is issued;
  - (b) in the case of service on a corporation, is served personally on a director, officer or manager of the corporation or by leaving it at or mailing it by prepaid registered mail to the registered office of the corporation.
- (4) Excessive nuisance abatement fees must be paid by the owner on receipt of an invoice from the Village.
- (5) If the amount of each invoice referenced in (4) is not paid in full before the 31st day of December in the year received, on written notice to the owner, the amount will be added to and form part of the taxes on the real property, as taxes in arrears.

### **APPEAL OF A DECISION**

- 14 (1) A person who is subject to a decision or direction of an *authorized person* may request reconsideration by Council by sending a written request for reconsideration to the corporate officer and may address council in writing or in person concerning the request for reconsideration.
- (2) A person who has requested reconsideration by council may not continue with or initiate the noise producing activity in contravention of this bylaw pending the decision of council.
- (3) A person subject to a decision of council must comply with any requirements, conditions, and restrictions imposed through that decision.

### **ENFORCEMENT**

- 15 (1) An *authorized person* may enter on any parcel at all reasonable times to ascertain whether the regulations and directions of this bylaw are being observed.
- (2) Any person who:

- (a) contravenes any provision of this bylaw;
- (b) fails to comply with any order or notice issued by the *building official, bylaw enforcement officer, community services officer, or authorized person*;
- (c) causes or allows any act or thing to be done in contravention of any provision of this bylaw; or
- (d) fails or neglects to do anything required to be done by any provision of this bylaw,

commits an offence.

- (3) Each day during which an offence under this bylaw continues is a new and separate offence.
- (4) A person found guilty of an offence under this bylaw is liable if:
  - (a) proceedings are brought under the *Offence Act (B.C.)*, to pay a fine to maximum of \$50,000 and such other amounts as the court may impose in relation to the offence; or
  - (b) a ticket is issued under the Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, 2018, to pay a fine to a maximum of \$1,000;
  - (c) a bylaw notice is issued under a bylaw made under the *Local Government Bylaw Notice Enforcement Act*, to pay a penalty to a maximum authorized under that Act.

### **REPEAL**

16. This bylaw repeals Village of Pemberton Bylaw No. 699, 2012 and its amendments.

**READ A FIRST TIME** this 28th day of April, 2026.

**READ A SECOND TIME** this 28th day of April, 2026.

**READ A THIRD TIME** this 28th day of April, 2026.

**ADOPTED** this 12th day of May, 2026.

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Mike Richman  
Mayor

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Gwendolyn Kennedy  
Corporate Officer

Schedule 1  
Summary of Permitted Sound Levels by Noise District

<b>Noise Source</b>	<b>Noise Receiver</b>			
	<b>Quiet District</b>		<b>Activity District</b>	
	Daytime	Quiet Hours	Daytime	Quiet Hours
Quiet District	55 dBA 70 dBC	45 dBA 65 dBC	60 dBA 70 dBC	60 dBA 65 dBC
Activity District	60 dBA 70 dBC	55 dBA 65 dBC	70 dBA 70 dBC	70 dBA 65 dBC