

**VILLAGE OF PEMBERTON
-COMMITTEE OF THE WHOLE MEETING AGENDA-**

Agenda for the **Committee of the Whole** of Council of the Village of Pemberton to be held Tuesday, September 4, 2018 at 1:00 p.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 181.

“This meeting is being recorded on audio tape for minute-taking purposes as authorized by the Village of Pemberton Audio recording of Meetings Policy dated September 14, 2010.”

Item of Business	Page No.
1. CALL TO ORDER	
In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.	
2. APPROVAL OF AGENDA	1
Recommendation: THAT the Agenda be approved as presented.	
3. ADOPTION OF MINUTES	2
a) Committee of the Whole Meeting No. 179, Tuesday, July 24, 2018	
Recommendation: THAT the minutes of the Committee of the Whole Meeting No. 179, held Tuesday, July 24, 2018 adopted as circulated.	
b) Committee of the Whole Meeting No. 180, Tuesday, August 28, 2018	
Recommendation: THAT the minutes of the Committee of the Whole Meeting No. 180, held Tuesday, August 28, 2018 adopted as circulated.	
4. RECREATIONAL CANNABIS RETAIL SALES – DRAFT POLICY	15
5. DRAFT BUSINESS LICENCE BYLAW	35
6. ADJOURNMENT	

**VILLAGE OF PEMBERTON
-COMMITTEE OF THE WHOLE MEETING MINUTES-**

Minutes for the **Committee of the Whole** of Council of the Village of Pemberton held Tuesday, July 24, 2018 at 8:00 a.m. in Council Chamber, 7400 Prospect Street. This is Meeting No. 179.

ATTENDING: Mayor Mike Richman
Councillor Ted Craddock
Councillor James Linklater
Councillor Karen Ross
Councillor Jennie Helmer

STAFF: Nikki Gilmore, Chief Administrative Officer
Sheena Fraser, Manager of Corporate & Legislative Services
Gwendolyn Kennedy, Legislative Assistant
Jill Brooksbank, Senior Communications & Grant Coordinator

Public: 6

1. CALL TO ORDER

At 8:06 a.m. Mayor Richman called the July 24, 2018 Committee of Whole meeting to order.

In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.

2. APPROVAL OF AGENDA

Moved/Seconded
THAT the agenda be approved as circulated.
CARRIED

3. Delegations

a) Tourism Pemberton

Mark Mendonca, President, Tourism Pemberton, presented an overview of Tourism Pemberton's efforts to obtain long-term funding and the impact the lack of stable funding has had on their ability to plan future initiatives. Tourism Pemberton has engaged Suzanne Denbak of Cadence Strategies to assess the impact of tourism on the local economy, as an understanding of the value of tourism is fundamental to obtaining funding and to developing a marketing strategy. Tourism Pemberton has committed to paying the \$600

fee to Cadence Strategies for preparation of a grant proposal to the Rural Dividend Program with the objective of obtaining funding through this program for the larger study.

Mr. Mendonca suggested that funding in the range of \$20,000 to \$30,000 annually would be a good starting point. He mentioned that although lack of funding has hampered Tourism Pemberton's activities, the community has received excellent value from very small contributions to marketing initiatives shared with Whistler and Squamish under Destination BC's funding.

Mr. Mendonca suggested the hotel tax as a possible on-going revenue source and noted that approval by owners representing 50% of available rooms is required for this. The recent addition of short-term rental accommodation providers to this group makes approval more likely.

Mr. Mendonca suggested that Tourism Pemberton should be a line item in the Village of Pemberton's budget in 2019 and going forward to ensure stable, long-term funding and noted that the return on investment in tourism is huge.

In response to a question from the Committee, Mr. Mendonca clarified that Tourism Pemberton is asking for a letter of support for the funding application to the BC Rural Dividend Program at this time and that a funding request would come in the future.

4. RECESS

At 8:59 a.m. the Committee of the Whole Meeting was recessed.

5. RECONVENE

At 1:00 p.m. the Committee of the Whole Meeting was reconvened.

6. ADOPTION OF MINUTES

a) Committee of the Whole No. 178, Tuesday, June 26, 2018

Moved/Seconded

THAT the minutes of Committee of the Whole Meeting No. 178, held Tuesday, June 26, 2018, be adopted as circulated.

CARRIED

7. SINGLE-USE ITEMS: WASTE REDUCTION STRATEGIES

Moved/Seconded

THAT the report be received.

CARRIED

Moved/Seconded

THAT the Committee of the Whole recommend to Council that consideration be given to placing a ban and/or levy on the following single use items:

- Plastic Bags
- Straws
- Styrofoam Containers
- Coffee Cups

CARRIED

Moved/Seconded

THAT the Committee of the Whole recommend to Council that a consultation plan be developed to engage the business community with respect to this initiative.

CARRIED

8. CANNABIS RETAIL LICENCE APPLICATION

Sheena Fraser, Manager of Corporate & Legislative Services, presented an overview of the steps involved in making application for a retail cannabis licence. Discussion focused on the cost of the process, the financial risk, and whether the Village should take on the role of retailer in competition with local business owners. The Committee agreed to postpone a decision until further information should be available.

Moved/Seconded

THAT Staff monitor what other municipalities are considering with respect to making an application for a cannabis retail store licence.

CARRIED

OPPOSED: Councillor Helmer, Councillor Ross

9. ADJOURNMENT

At 2:05 p.m. the Committee of the Whole Meeting was adjourned.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

**VILLAGE OF PEMBERTON
-COMMITTEE OF THE WHOLE MEETING MINUTES-**

Minutes for the **Committee of the Whole** of Council of the Village of Pemberton held Tuesday, August 28, 2018 at 5:30 p.m. in Council Chamber, 7400 Prospect Street. This is Meeting No. 180.

ATTENDING: Mayor Mike Richman
Councillor Ted Craddock
Councillor James Linklater
Councillor Karen Ross
Councillor Jennie Helmer*

STAFF: Nikki Gilmore, Chief Administrative Officer
Sheena Fraser, Manager of Corporate & Legislative Services
Gwendolyn Kennedy, Legislative Assistant
Jill Brooksbank, Senior Communications & Grant Coordinator

Public: Mark Mendonca, Kostya De, Victor Lee, Jamie Lee, Matt Prescott,
Jeff Clarke, Albert Bush, Paul Vacirca, Ivan Knowles, Steve Flynn

*Denotes partial attendance as Councillor Helmer left the meeting at 6:56 p.m.

1. CALL TO ORDER

At 5:31 p.m. Mayor Richman called the August 28, 2018 Committee of Whole meeting to order.

In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.

2. DOWNTOWN ENHANCEMENT PROJECT UPDATE

Mayor Richman thanked the members of the downtown business community for attending the meeting and acknowledged the work that staff did to prepare a grant application that resulted in the grant of \$5.3 million to undertake the downtown enhancement project.

Mayor Richman asked Nikki Gilmore, Chief Administrative Officer, to provide an update with respect of the status of the project to date.

Chief Administrative Officer Gilmore presented an update on the Downtown Enhancement Project (DEP) and highlighted changes made in response to feedback received from residents and business owners.

Gilmore provided background on the grant program and advised that the grant was awarded based on elements of the Downtown Enhancement Strategy and the Frontier Street Plan developed over the period of 2009 – 2010. The granting program had a focus on climate change resiliency; thus, storm water management elements were added to the 2011 concept to ensure compliance with the granting criteria.

Gilmore advised that a meeting with downtown business owners was held on July 31st at which the Village Engineers presented the concept plan. Several concerns were raised related to loss of parking, traffic direction, turning radius in certain locations, sidewalk let downs and tree/street light locations. Following the meeting Staff were contacted by some business owners individually for follow-up and clarification, particularly with respect to issues that were outside the scope of the Downtown Enhancement Project.

Several business owners with businesses on the south side of downtown raised further concerns, prompting a second meeting on August 8th.

Following this second meeting, Village Staff held one-on-one meetings with several business owners and presented them with a concept plan that included the possibility of developing a public parking lot on a portion of Fougberg Park that is currently underutilized, bringing an additional 16 public parking spaces to the downtown core. Those business owners that Staff was unable to meet with were provided with the concept plan by email.

Ms. Gilmore noted that this Committee of the Whole meeting was called because, during the August 8th meeting, several business owners had asked for an opportunity to meet with Council.

Gilmore reviewed the Issues raised by business owners and subsequently addressed by Staff as follows:

1. Parking

CAO Gilmore acknowledged that the potential loss of parking has been the primary concern of business owners. Staff met with ISL Engineering to discuss options for increasing parking and have proposed an option of including in Fougberg Park a small public parking lot which would result in an addition of sixteen (16) parking spots downtown. CAO Gilmore presented a table showing that under the existing plan, there will be a total loss of 40 parking spots in the downtown. By adding a new public parking lot at Fougberg Park and by including the 21 spots behind the Pemberton Hotel which are delineated but not effectively utilized, the development of 4 pots for the Blackbird Bakery (as this building if owned by the Village) and the Pemberton Valley Dyking District developing their own off-street parking there will be a net gain of 9 parking spots. CAO Gilmore cautioned that these are high-level numbers at this stage.

Fougberg Park development is not part of the DEP and could be undertaken at any time; however, the work would be planned to coincide with the DEP work for cost-saving reasons.

CAO Gilmore mentioned that there are long-term plans to develop part of Lot 13 as a park & ride lot in the future. This will result in a gain of 50 parking spaces which can be used for park and ride and long term parking and is expected to address some of the challenges of commuters using downtown streets for all day parking.

CAO Gilmore noted that the current downtown enhancement plan has changed very little since 2011 but includes more parking than the 2011 version. Ms. Gilmore clarified that it is not the addition of the storm water cistern that reduces parking, but the re-alignment of the intersection at Birch and Frontier Streets that has had the greatest impact.

2. One-Way Streets

CAO Gilmore noted that many business owners have expressed a preference for changing some streets to one-way, and that Council and Staff originally favoured this option as well. However, Staff have reviewed various one-way traffic pattern options in consultation with ISL Engineering and have concluded that one-way streets will increase congestion, risk causing a back-up of traffic at the rail way tracks and intersections, and will force drivers to make a left turn onto the highway at Camus Street. Thus, one-way traffic is not being considered at this time.

3. Truck Traffic

CAO Gilmore noted that, in response to concerns raised by business owners, the concept plan has been modified slightly to permit safer movement of trucks and that a recommended truck route has been identified. Trucks will now be able to make left-hand turns more safely and without obstructing oncoming traffic.

4. Prospect Street Utility Strip

Some business owners have suggested removing the utility strip that contains the trees and streetlights planned for Prospect Street to create more space for parking. The trees and streetlights are important components of this plan not only for storm water management plan (trees), but also for public safety (streetlights) and the removal of the utility strip is not being considered. Gilmore noted that if the removal was to be contemplated it would result in the addition of only 6 more parking spaces and the proposed Fougberg Park option more than accommodates that number.

5. Lane – Direction and Signage

CAO Gilmore noted that there is confusion with respect to the alley that runs from Aster Street to Camus related to the one way directions and the lack of effective signage. Gilmore acknowledged the concerns raised by the business owners and advised that the Village will work on addressing these issues immediately by adjusting the one way direction to better suit and will install improved signage. Staff will be following up with the businesses that utilize this lane prior to any changes being made.

6. Storm Water Management

CAO Gilmore acknowledged that there are some storm water management issues at Valley Chainsaw and Pemberton Valley Supermarket and other locations. Staff will be investigating how best to resolve these issues but noted that this would be work that is outside the scope of the project and therefore may not be undertaken immediately.

Mayor Richman noted that previous storm water drain blockages occurring on Birch located next to the CN tracks that had resulted from slush, rain and snow conditions were unavoidable and not indicative of drainage deficiencies.

7. Bus Stop Location

CAO Gilmore noted that in the first concept plan the bus stop location was to be on Aster Street by Pioneer Park. After further consideration and feedback received, Council resolved to move the bus stop back to Frontier Street but on the east side rather than the current west side location. Under the updated concept plan there is flexibility to move the bus stop; however, relocating the bus stop to Birch Street is not being contemplated.

CAO Gilmore noted that Staff had the opportunity to meet with Ministry of Transportation and Infrastructure (MOTI) officials recently and reiterated the following issues that had been raised at the meeting held on July 31st:

1. Secondary Access

Council and Staff have identified the need for a secondary access to the downtown as a priority. Staff will continue to have discussions at every opportunity with MOTI officials with an aim to find solutions for an alternate access point off Highway 99.

2. Crosswalks

Business owners and residents have raised concerns regarding the poor condition of the crosswalks. CAO Gilmore noted that those crosswalks under the responsibility of the Village have been painted. The crosswalks along Portage Road and Birch Street are under the authority of MOTI. The Village has been advised that painting of the MOTI crosswalks will on September 15th. MOTI will grind down the pavement and use a higher

quality paint for longer wear. Gilmore noted that the issue of the lack of regular crosswalk maintenance has been brought forward to the Ministry by the Village on a regular basis.

3. Traffic Light Timing

MOTI officials will investigate the reported traffic light timing issues.

Next steps in the communication process will include an information booth at upcoming Farmers Markets. Once project timelines have been tentatively planned, Staff will present the plan at an information meeting and follow up with affected business owners to ensure the work can be done with minimal impact to businesses.

Discussion took place respecting the following:

- Parking Regulations in the downtown core
- Use of Lot 13 for long term parking
- Stormwater drainage impacts – noting that when the work is being done along the alley it will provide an opportunity to investigate what is happening in the area of the alley/Birch Street intersection
- Establishment of drivable letdowns near business accesses
- Rational for the trees and cisterns – to capture the stormwater
- Clarification respecting the status of the 21 spaces behind the Pemberton Hotel

Mayor Richman asked the Committee if there was a desire to open the meeting to for public input and the following resolution was passed:

Moved/Seconded

THAT the floor be opened to the public.

CARRIED

Mayor Richman opened the floor to the public and reminded those in attendance that this was a Committee meeting of the Village and, as Mayor, he would chair the meeting.

Paul Vacirca, Pemberton Valley Hardware, requested clarification of the date the current downtown enhancement project concept was first presented to Council, asked CAO Gilmore for some information on growth and traffic studies, and raised the following concerns:

- Consultation with business owners was left too late in the planning process; a steering committee should have been formed in April to ensure no decisions were made without appropriate consultation;
- Opportunity for business owners to comment was not provided until August;
- Lack of consultation has resulted in a plan that does not suit downtown businesses;

- The plan fits the grant criteria but it doesn't fit the community;
- Business owners are in favour of the wider sidewalks, but boulevards and trees were added since 2011;
- CAO Gilmore's parking numbers are unrealistic as parking regulations are not enforceable;
- Although Pemberton does not currently have a parking problem, suspects that we will have one in the future;
- Pemberton relies on trucks and tourism and needs to accommodate large vehicles; parallel parking of large vehicles on Prospect Street is not realistic and snow will only exacerbate the problem;
- How does the downtown enhancement project accommodate growth;
- Snow-clearing in winter

Mr. Vacirca suggested asking the engineers to create a mock-up the concept on roads and sidewalks to make it easier to see the proposed changes. Mr. Vacirca acknowledged there is an element of fear with the changes as they are proposed.

Victor Lee, AG Foods, brought up the following concerns:

- The DEP has changed substantially since first presented in 2009 and 2011, particularly with respect to the loss of parking and the addition of water features, and no longer reflects the needs of downtown business owners;
- The plan will not work;
- The plan reduces parking, does not accommodate tractor trailers and does not provide for a safe route for trucks to move through the downtown;
- Acknowledged that the intersection at Birch and Frontier is problematic and would like to see solutions put in place;
- Moving parking from Frontier Street S to Frontier Street N causes problems and will make people have to walk;
- Plans are proceeding too quickly and decisions are being made without due consultation;
- Business owners raised concerns and noted problematic elements but no changes have been made and concerns have been ignored;
- We don't have a parking problem but the DEP will create one;
- Many other towns have one-way streets;
- Would like to find a middle road in resolving some of the concerns raised.

Mark Mendonca, Grimms Deli, requested clarification regarding when the concept removing parking spots was first presented and when it was approved by Council, and raised the following points:

- The relocation of the bus stop, which will be problematic for the disabled, the elderly and shoppers with young children, has caused him to lose faith in the consultation process;

- The project is great and there is a desire for a walkable town with trees and water circulations; but some elements do not make sense and the process is flawed;
- Concerned about the effect the changes will have on both Grimms and the AG Supermarket;
- There is no parking problem in Pemberton;
- The DEP will create instability in a challenging business environment;
- The addition of a parking lot at Fougberg Park shows we can work together to find solutions;
- Communication has been lacking and suggested that Staff hand deliver letters to businesses inviting them to attend meetings whenever issues of concern are to be discussed.

Mr. Mendonca noted that the project is great but there are pieces that don't make sense to him and his business. The lack of direct parking in front of his business will be impactful as his clientele relies on parking in the front.

Ivan Knowles, Spud Valley Sporting Goods, commented that Staff, Council and business owners are all committed to this process and need to work together, and raised the following additional points:

- Despite asking for input, Council and Staff have failed to consider and respond to the feedback offered;
- The plan will not work;
- The community is evolving; today's problems will be compounded in the future;
- Issues to be considered are related to parking and snow-clearing;
- Dust from unpaved areas is a serious concern; any new parking lots such as Fougberg Park will need to be paved immediately;
- Changes may result in much higher operating and maintenance costs for the Village;
- Noted that there is a need for good sidewalks and crosswalks in the downtown core;
- Business owners pay high taxes and need to know their concerns are being heard;
- Process is too quick and consultation not adequate;
- Supports a walkable community but need to ensure snow-clearing is effective;
- Noted that enforcement of off-street parking requirements not being met by business owners should have been done a long time ago;
- Requested that the business community be kept informed throughout this process.

Albert Bush, Valley Chainsaw, thanked Staff for monitoring parking on Birch Street and noted that this has been effective. Mr. Bush suggested that the Village offer incentives encouraging employees to park elsewhere or to use alternate forms of transportation. Mr. Bush brought up the following concerns:

- Dust is a significant problem already and has worsened substantially over the last three years;
- Traffic heading north is increasing; a one-way traffic pattern would reduce traffic congestion;
- Loading zones are problematic at times;
- A secondary access to downtown is essential;
- The beautification program will result in tighter corners, snow clearing challenges and impact truck movement;
- The group present today is not truly representative of Pemberton;
- Paving parking lots will increase storm water run-off;

Jeff Clarke, Pemberton Valley Hardware, noted that he was encouraged that Staff had responded to business owners' concerns regarding the loss of parking through the addition of a parking lot at Fougberg Park, and added the following points:

- The plan is too ambitious; it would be better to limit the scope of work to the requirements of the grant, such as road grading and elevations, and avoid the risk of failure by attempting too much;
- Fear that the Village is trying to do too much with too little money and that we are being set up to fail both financially and operationally;
- Wanted assurance that the funds received will be used for the purpose for which they have been given;
- It won't be possible to solve all traffic problems with \$5 million; a second access route is necessary;
- Left-hand turns are problematic and need to be accounted for in the planning;
- Prefers angle parking to parallel parking as it is a better use of space; street width would be adequate for angle parking if traffic was restricted to one-way on Prospect Street;
- Suggested that the development permit process is onerous and prevents business owners from making improvements to their store fronts and properties;
- Suggested that the data from 2009/2011 may be out of date; Pemberton has changed since the concept was first presented;
- Wants project to proceed and noted that no one is opposed to the DEP, but business owners need reassurance that changes will be made to reflect concerns raised.

Mr. Clarke argued that one-way traffic pattern would resolve many parking and traffic issues.

Matt Prescott, Town Square, reminded those present that the \$5 million is a gift to be used for a specific purpose as per the grant application. Mr. Prescott cautioned that we risk losing the grant should business owners continue to stall the process. Mr. Prescott pointed out that Prospect Street is hazardous for vehicle and pedestrian traffic due to the lack of sidewalks and suggested working together with the Village would benefit the entire community.

Jamie Lee, AG Foods, requested clarification regarding the purpose of the grant and raised concerns regarding the cost of the addition of the cistern as part of storm water management. Ms. Lee mentioned storm water problems at AG Foods and asked how the Village would address these in the future.

Mayor Richman thanked those present for attending and taking the time to provide their feedback. Mr. Richman reminded everyone that each business owner inevitably views the concept from a personal lens and that while no plan could satisfy everyone, by working together, an acceptable compromise could be achieved. Mayor Richman noted Council must consider the big picture when making decisions related to large infrastructure projects.

In response to the concerns raised about the timing of the concept plan development, Staff advised that the plan was first presented to Council on April 10th and approved on April 24th. Staff reminded that the concept plan is based on the Downtown Enhancement Strategy and the Frontier Street Design Master Plan developed with resident and business input over a two year period. Further clarification was provided with respect to the expertise of the Village engineers and assurances that consideration has been given to all the concerns that have been raised by the business community and many of those concerns have been addressed in the revised concept including the proposal to look at a small public parking lot in Fougberg Park to address the parking concerns.

Councillor Helmer had to leave the meeting early but prior to leaving noted that she is appreciative of the feedback received from the business community and raised concern about the cynicism related to this project. Councillor Helmer asked those in attendance if changes are made in response to some of the issues raised is there a spirit to support the plan.

Councillor Ross spoke from the perspective of a former business owner in the downtown core and raised concern about the impacts the one-way street concept would have especially on the corner of Prospect and Pemberton Meadows Road. Councillor Ross noted that the Village has up to now held more meetings on this initiative than any other and that Council and Staff have heard the concerns; however, there has to be some level of compromise. Councillor Ross noted that she supports this plan and appreciates the feedback received from everyone.

Councillor Craddock noted that he too is in support of the plan and pointed out some of the other issues that cause challenges in the downtown core such as the

placement of containers in parking lots which reduces the number of parking spaces available, staff using on-street parking in front of businesses to park all day, and businesses not meeting the parking obligations in general or simply not using the parking lots they have available to them. Councillor Craddock suggested that part of the problem related to parking may be that the Village has not been actively enforcing our own bylaws. Councillor Craddock noted that to be successful it is key that the community work together to find the middle road.

Mayor Richman assured all present that they would continue to be consulted throughout the construction of the project. He noted that the downtown business owners must accept an element of personal responsibility and take those steps available to them to address parking issues at their establishments. Mayor Richman noted that the DEP will impact business owners and asked them to work with the Village to reach a compromise acceptable to all.

Mayor Richman thanked everyone for taking the time to attend the meeting and provide their feedback.

3. ADJOURNMENT

At 7:38p.m. the Committee of the Whole Meeting was adjourned.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Date: September 4, 2018
To: Nikki Gilmore, Chief Administrative Officer
From: Lisa Pedrini, Senior Planner
Subject: Recreational Cannabis Retail Sales – Draft Policy

PURPOSE

The purpose of this report is to present to the Committee of the Whole for their consideration a Draft Policy that describes the proposed approach to regulate non-medical (recreational) cannabis retail sales and use in the Village of Pemberton.

BACKGROUND

The federal government has approved a bill to legalize non-medical (recreational) cannabis by October 17, 2018. *BILL C-45, Cannabis Act*, was introduced in the House of Commons on April 13, 2017, received Third Reading on November 27, 2017, passed the Senate vote on June 19, 2018 and received Royal Assent on June 21, 2018. This Bill provides a plan for regulating Cannabis and sets standards for health and safety, actions that are illegal or criminal and aspects of regulation that are the responsibility of the provinces.

In response, the Province of British Columbia passed BILL 30, *Cannabis Control and Licensing Act (CCLA)* to establish a legislative framework and a full regulatory framework. This framework establishes how the products will be sold to consumers, for example through private, licensed stores and government-run facilities across the province. Consumers in British Columbia will need to be of legal age (set at 19) and will also be able to purchase legal cannabis online. Strict regulations surrounding where the drug can be consumed are also included.

The federal *Cannabis Act* and provincial *Cannabis Control and Licensing Act* provide the framework for which local governments may further restrict non-medical (recreational) cannabis. Criteria that local governments will be able to address include, but are not limited, to the following:

- Zoning and Land Use (including distance requirements from public uses and other marijuana-related operations);
- Operational Requirements (business hours of operation and security features);
- Storefront and Signage limitations, including the display of products;
- Business Licence Regulations; and
- Public Consumption.

At the Committee of the Whole Meeting No. 172, held Tuesday, February 20, 2018, two memorandums from Lidstone & Company that summarized the Province's just released *BC Cannabis Private Retail Licencing Guide: Applications and Operations* were presented that provided an overview of what local governments should consider doing to be prepared for the legalization of recreational cannabis retail sales.

In this regard, the Committee of the Whole passed the following resolution:

Moved/Seconded

THAT Staff prepare a summary of the local government considerations presented in the Memorandum by Lidstone & Company, titled "Local Government 'To Do' List to Prepare for Cannabis Sales" for discussion at a future Committee of the Whole Meeting.

CARRIED

At the Committee of the Whole Meeting No. 174, held Tuesday March 20, 2018, Staff presented a flow chart to guide Council in its decision making with respect to the new legislation. There were a number of decision points that Council must consider, beginning with whether there was an interest in allowing retail sales of non-medical cannabis (NMC) within the Village's boundaries. It was determined that there was interest, and as a result, the Committee of the Whole passed the following resolution:

Moved/Seconded

THAT the Committee of the Whole recommends to Council that Staff be directed to undertake the development of Policy respecting the retail sales of non-medical cannabis (NMC) in anticipation of the Cannabis Act coming into effect.

CARRIED

Moved/Seconded

THAT Committee of the Whole recommend to Council that Staff be directed to investigate the Cannabis Licencing application process and report back at a future Committee of the Whole meeting.

CARRIED **OPPOSED:** Councillor Ross, Councillor Helmer

As the sale of NMC is not yet legal and upon advice from the Village's Solicitors, the prohibition of retail sales continues to be in force in the new Zoning Bylaw No. 832, 2018, adopted on July 24, 2018.

With respect to the investigation of the licencing application process, Staff presented a flow chart at the Committee of the Whole held on July 24th and the Committee's recommendation to Council was supported by Council and the following resolution was passed at the Regular Council meeting held later that day:

Moved/Seconded

THAT Staff monitor other municipalities regarding pursuing a cannabis retail licence and bring back more information at the next Committee of the Whole meeting in September.

CARRIED

OPPOSED: Councillor Ross & Councillor Helmer

At this time, Staff has not been able to confirm if any other municipality is actively seeking to make application for a cannabis retail licence, but continues to monitor and will bring back information as it is available.

Policy Development

The Village has prepared for the Committee of the Whole's consideration, a Draft Non-Medical (Recreational) Cannabis Retail Policy to establish criteria for cannabis retail sales in the Village of Pemberton and to guide decision making on provincially referred applications.

The proposed Policy is attached as **APPENDIX A** and rationale and detail on the Draft Policy is provided below.

Licensing Referrals and Notification

The provincial Liquor and Cannabis Regulation Branch (LCRB) will be responsible for licensing NMC retail businesses. As such, they have established a cannabis retail licensing regime similar to the current licensing regime for liquor. Applications must be initiated with the LCRB, before being referred to the municipality involved. The local government's role in the licensing process is attached as **APPENDIX B**.

When an application is received, the LCRB will notify the local government where the proposed store will be located. Upon receiving notice, the local government can:

- Choose not to make a recommendation (which ends the licence application as the LCRB is not able to issue a licence unless the local government gives a positive recommendation); or
- Choose to make comments and recommendations on an application, based on the views of nearby residents. Views may be gathered using one or more of the following methods:
 - Receiving written comment in response to a public notice of the application,
 - Conducting a public hearing in respect to the application,
 - Holding a referendum, or
 - Using another method that local government considers appropriate.

It is up to the local government to determine the area, relative to the licensee's application, where the resident's views must be gathered.

It is Staff's recommendation to use the same notification process the Village utilizes to notify residents of a Development Variance Permit (DVP) Application to gather resident's views on NMC cannabis business license applications. For DVP applications, Staff prepares a written notice and mails or otherwise delivers that notice to affected residents within 100m of the property inviting property owners or tenants to either send in their comments by a certain date or attend the meeting where the decision will be made and make their comments be known to Council. This would be done for each and every application referred to the Village from the LCRB.

Land Use and Zoning

Local Governments are able to impose restrictions in its Zoning Bylaw regarding the location of cannabis retail sales. Currently cannabis retail sales are prohibited in all Zones pursuant to Zoning Bylaw No. 832, 2018, Section 6.4 (vi.). There are several options available to the Village of Pemberton on how to legitimize the land use after October 17, 2018:

- a) **Amend the Zoning Bylaw:** The Village could decide which zones they would be amenable to allowing NMC retail sales and initiate an amendment to its Zoning Bylaw to remove the outright prohibition and add NMC retail sales as a permitted use in zones that the Village feels would be suitable. If this is the preferred option, Staff would propose that NMC retail sales be considered as a permitted use (subject to certain Conditions of Use – see below) in two (2) zones only: in the Town Centre Commercial (C-1) zoned area and the Industrial Park (M-1) zoned area. It is deemed preferable to have this use in the more densely built, populated and well-lit areas of the Village, in keeping with crime prevention through environmental design principles (CPEDP).

The Village does not recommend permitting recreational cannabis stores in other Commercial Zones or Comprehensive Development Zones given the close proximity of these zones to single family and multi-family residential neighbourhoods.

- b) **Require a Rezoning Application:** The Village could require applicants to submit a rezoning application based on the direction contained in the Village's Non-Medical (Recreational) Cannabis Retail Policy (once approved). The onus would be on the applicant to make an application to the Province, based on an available location for a business in Pemberton, and rationalize this choice through a rezoning application that would be considered on a site-specific basis.

This approach would ensure that the particular location would be vetted by the nearby residents and the community as a whole through the legislated rezoning process which would include a Public Hearing before the Village sends a positive recommendation to the Province. Even if a rezoning application is approved, the applicant would still be required to be authorized by the Province (see Licensing Regulations and Referrals below).

- c) **Temporary Use Permit:** The Village could entertain regulating NMC retail sales through a Temporary Use Permit. A Temporary Use permit allows a use of land, on a temporary basis, not otherwise permitted in the Village's Zoning Bylaw. They may be issued for a period up to three (3) years from the date the permit was approved by Council, and may be renewed once, for an additional period of up to three (3) years, subject to Council approval.

The advantage of this approach is that it allows Council to establish conditions under which the temporary use can occur such as site design and layout, and can require security deposits to ensure conditions are met. They would allow the Village to 'test' whether the NMC Retail use is compatible with surrounding land uses prior to considering a permanent rezoning application, and to ultimately terminate the use, if desired, at the expiry of the permit. The disadvantage is that the proponent has no security and may not be able to recoup start-up costs if the use is not permitted to continue.

Rather than predetermining suitable locations/zones in which NMC retail sales would be permitted, or allowing the use on a temporary basis, Staff recommends Option b) whereby applicants would be required to obtain a rezoning approval and the Village could assess the location through feedback received during the rezoning process. This option also ensures the costs associated with review and processing of the application are covered by the applicant, instead of by the Village/taxpayers.

If a rezoning application is successful, the Village is able to send a positive recommendation to the Province, and the applicant is able to move on the next step of securing a license from the LCRB.

Delegation of Authority

A municipal council can delegate authority to their Staff to provide comments and recommendations to the LCRB when the Village receives a referral from the Province. Given that the Draft Policy is recommending that potential cannabis retail business operators must apply for a rezoning (which involves Council), Staff does not recommend that Council delegate the authority to review referrals from the LCRB to Staff at this time.

Conditions of Use

Local Governments are able to impose further restrictions (conditions of use) in its Zoning Bylaw regarding the preferred location and operation of NMC retail businesses within a certain area as follows:

a) **Distance Requirements:** Many municipalities apply distance (separation) requirements due to potential impacts and influences on minors and other vulnerable populations. From the information that was available online, it appears that a typical distance imposed by municipalities in BC is between 100m to 300m. To ensure that recreational cannabis businesses are not located in close proximity to areas frequented by under-age populations in Pemberton, the Village is proposing a 100m distance requirement away from certain public uses such as:

- Schools
- Licensed Daycares
- Libraries
- Playgrounds, and Playing Fields
- Community Centres and Youth Centres
- Skate Parks, Bike Parks and any other locations frequented by minors

This distance requirement could also be increased to 150m, 200m or greater, and/or could also apply to Parks; however, this essentially removes the potential for a NMC retail business within the Town Centre (C-1 Zone) given the location and proximity of Pioneer Park and the Downtown Barn to C-1 zoned business locations.

Distance requirements also can apply to other retail cannabis businesses to potentially limit the number and concentration of cannabis-related businesses within a single area. From the information that was available online, it appears that a typical distance imposed by municipalities in BC between other cannabis sales is between 300m to 1,000m. Staff

is recommending a distance requirement of 800m between cannabis related businesses to minimize the total number of retailers within the Village boundaries. The buffer distance requirement would be measured from legal parcel boundaries.

The Policy will contain a map demonstrating the different recommended distance requirements. A rough draft of this map is attached to the Policy (**Appendix A**) as a placeholder. The map will be completed by the Village's new Planning and GIS Technician once in place.

b) Operational Requirements

Local governments have the power to regulate businesses by including terms and conditions in its business licencing bylaw, such as the hours a NMC retail business can operate or other conditions such as security measures.

The *Provincial Cannabis Control and Licensing Act* sets the operating hours for NMC retail businesses as 9:00am to 11:00pm. Local Governments are able to further restrict the operating hour's standard set by the *Provincial Act*. Staff recommends establishing additional restrictions for operating hours from 9:00am to 9:00pm. The majority of businesses in Pemberton which remain open after 6:00pm are typically closed by 9:00pm.

If the Village limits the operating hours of a NMC retail business to 9:00pm rather than 11:00pm, it serves to maintain the quiet small town character of the Village. Having the use to operate within 9:00am to 9:00pm provides opportunities for natural surveillance (eyes on the street) and crime prevention through environmental design principles.

Local governments are also able to require enhanced security measures. Based on a comparison of what other municipalities are considering, Staff suggests that the following security measures be required:

- i. Video Surveillance cameras that monitor all entrances and exits and the interior of the business premises shall be installed.
- ii. Video camera data collected shall be retained for at least 21 days after it is gathered.
- iii. A security and fire alarm system shall be installed and shall be monitored at all times. The security and fire alarm systems must be certified from the installer.
- iv. An appropriate air filtration and odour suppression system shall be installed and operational at all times.
- v. That a minimum of two (2) employees be onsite at all times.
- vi. Any other security measures as deemed appropriate upon review by the RCMP, Village Fire Department and Village Chief Building Official.

Assessment Fee

Local Governments are able to charge the applicant fees if choosing to asses an application. Because the Village is proposing to require applicants to apply for a rezoning application, the Village may not need to recoup any additional funds over and above the rezoning fees to assess the application. For this reason, Staff is not recommending that we charge a separate assessment fee.

Business Licence Fees and Requirements

Staff recommends that an annual business licence fee of \$5,000 be applicable to NMC retail businesses, to reflect the extra staff time reviewing a cannabis retail business license will entail. From the information that was available on-line, it appears that annual business licence fees imposed by municipalities in BC for NMC retail sales typically ranges from \$1,000 to \$5,000 (the District of Squamish and City of Nelson both charge \$5,000). Some larger cities such as Vancouver and Saskatoon are charging \$30,000 and \$20,000 respectively, while Calgary charges less than \$200.

It is also advised by Staff that before making a decision on issuance, the Village requires the applicant to provide:

- Proof of Provincial Licence Issuance
- Proof of completion of Employee Training Program
- Security Plan
- If Property is leased, Permission from the Landlord

It is also recommended that the number of licences that may be issued to one (1) person is one (1).

The Village will need to initiate an amendment to its Business Licence Bylaw to establish the following recommended fees and requirements with respect to Business Licence issuance.

Signage

Local Governments are able to impose conditions such as specifications regarding signage for NMC retail businesses. The Village has a Draft Sign Bylaw underway and will include specific regulations with respect to signage related to NMC retail businesses. The Draft Sign Bylaw will be presented to the Committee of the Whole and the public in the near future. Signage specifications for NMC retail businesses will not be included in the proposed Non-Medical (Recreational) Cannabis Retail Policy at this time.

Consumption

The provincial *Cannabis Control and Licencing Act* is guided by the following priorities: protecting children and youth, promoting health and safety, keeping the criminal element out of cannabis, keeping BC roads safe and supporting economic development. The Act:

- Sets 19 as the BC minimum age to purchase, sell or consume cannabis,
- Allows adults to possess up to 30 grams of cannabis in a public places,
- Prohibits cannabis smoking and vaping everywhere tobacco smoking and vaping are prohibited, as well as at playgrounds, sports fields, skate parks, and other places where children commonly gather,
- Prohibits the use of cannabis on school properties and in vehicles,

- Authorizes adults to grow up to four (4) cannabis plants per household as long as the plants are not visible from public spaces off the property and the home is not used as a daycare.

Local Governments are able to place further restrictions on where cannabis can be legally consumed. Staff advises that the consumption of cannabis be restricted in the same vein as tobacco within the Village's Smoking Regulations Bylaw.

In this regard, Staff is in the process of updating the Smoking Regulations Bylaw to align with new provincial legislation established in 2016 to include vaping, e-cigarettes and cannabis smoke. A new and updated Bylaw is in draft form and currently being reviewed by the Vancouver Coastal Health Tobacco Reduction Coordinator. It is anticipated that this Bylaw will be brought forward for Council's consideration in October.

Conclusion

Once endorsed, the proposed Village of Pemberton Non-Medical (Recreational) Cannabis Retail Policy will be used to guide and inform Rezoning and Business Licensing applications for recreational cannabis sales within the Village of Pemberton boundaries. Despite the policy, it will be up to Council to decide if it supports a cannabis retail business application and its proposed location, when referrals are received from the Province.

Please note: the proposed Non-Medical (Recreational) Cannabis Retail Policy does not impact existing Village regulations on medical marijuana production facilities, which will continue to be permitted in the M-1 (Industrial) zone in the Zoning Bylaw. Furthermore, this Policy does not attempt to regulate home production of recreational cannabis, where a maximum of four (4) plants is permitted under federal regulations. Home production will be regulated and monitored by senior levels of government.

COMMUNICATIONS

Staff is recommending that public consultation take place during September as a means of determining support for the Draft Non-Medical (Recreational) Cannabis Retail Policy. This will include written referrals to stakeholders such as the RCMP, Vancouver Coastal Health, Sea to Sky Community Services, the Lil'wat Nation, Squamish-Lillooet Regional District and Schools. As well, an online survey is proposed in order to give residents the opportunity to provide input and to ensure that the Policy reflects the desires of the community.

Notification of a public consultation period for the Draft Non-Medical (Recreational) Cannabis Retail Policy will be through the Village's various social media platforms such as Facebook, eNEWS and on the website.

Upon submission of a rezoning application, the proposal will be sent to referral agencies and the Advisory Land Use Commission as per the current practice, a Zoning Amendment Bylaw would be prepared and brought forward for first and second reading and a Public Hearing scheduled to receive comments from the public. As per the Development Procedures Bylaw No. 725, 2013, the estimated timeframe for a rezoning application is 5 – 8 months, depending on the complexity of the application, responsiveness of the Applicant and workload of Village Staff.

Notification of Public Hearings will be in the local paper to meet the legislated requirements set out in the *Local Government Act* (s. 466) as well as on the Village's social media platforms noted above.

LEGAL CONSIDERATIONS

The retail sale of cannabis in Canada will become legal once the federal *Cannabis Act* comes into effect (October 17, 2018). In the meantime, the Village has prohibited retail sales of medical and non-medical cannabis in the Zoning Bylaw and will only consider permitting the use on a site by site rezoning basis.

IMPACT ON BUDGET & STAFFING

Development of policy, procedures and communication respecting NMC retail sales within the Village of Pemberton and the preparation of any future rezoning applications will be facilitated in-house and included on Staff's work plans.

There will be some costs associated with legal review but those costs are unknown at this time.

It is anticipated that enhanced bylaw enforcement may be required and as such, there will be budget implications with respect to the enforcement and administration of the Policy and zoning amendments. However, these costs have not been determined. This additional enforcement is not able to be met with current staffing levels.

The Village will need to establish to what extent resources will be put toward enforcement and to what extent enforcement will be taken.

INTERDEPARTMENTAL IMPACT & APPROVAL

The development of policy, procedures and bylaws will involve the departments of Operations & Development Services and Corporate and Legislative Services. The Office of the CAO will facilitate the communications elements associated with policy review and adoption.

Finally, once the policy and the Business Licence Bylaw amendment are adopted, the Finance and Administrative Services Department will also be involved with the collection of said fees.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

It is recommended that consultation take place with the Squamish-Lillooet Regional District and Lil'wat Nation to gauge impacts on the region and neighbouring jurisdictions

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

POTENTIAL GOVERNANCE CONSIDERATIONS

The consideration of this matter is in alignment with Strategic Priority Two: Good Governance, whereby the Village is committed to citizen engagement and being an open and accountable government.

RECOMMENDATIONS

THAT the Committee of the Whole provide direction on the Draft Non-Medical (Recreational) Cannabis Retail Policy and direct Staff to seek public and stakeholder feedback on the Draft.

Attachments:

APPENDIX A: Draft Non-Medical (Recreational) Cannabis Retail Policy & Distance Requirement Mapping

APPENDIX B: Role of Local Government in Provincial Licensing

Submitted by:	Lisa Pedrini, Senior Planner
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

DRAFT Non-Medical (Recreational) Cannabis Retail Policy

Department:	<u>Development Services</u>	Policy No.:	<u>DEV-010</u>
Sub-department:	<u>Planning</u>	Created By:	<u>Lisa Pedrini</u>
Approved By:	<u>Council</u>	Amended By:	<u></u>
Approved Date:	<u></u>	Amendment:	<u></u>
Meeting No.:	<u></u>	Meeting No.:	<u></u>

POLICY PURPOSE

The Non-Medical (*Recreational*) Cannabis Policy identifies the requirements for the sales and use of recreational cannabis in the Village of Pemberton. In particular, the protocol includes the jurisdiction, objectives, definitions, and policy related to licencing referrals and notification, land use and zoning, distancing requirements, and business licence applications.

JURISDICTION

The jurisdiction and roles of the regulatory authorities and the proponent in the review and approval of recreational cannabis retail businesses are generally described as follows:

- **Government of Canada** - In accordance with BILL C-45 *Cannabis Act*, the federal government has created a plan for regulating Cannabis and sets standards for health and safety, actions that are illegal or criminal and aspects of regulation that are the responsibility of the provinces.
- **Province of British Columbia** - In accordance with the *Cannabis Control and Licencing Act* (CCLA), the provincial government has established a legislative framework and full regulatory framework on how products will be sold to consumers. The Act describes general rules relating to cannabis; licensing; special rules (i.e., possession limits, personal cultivation, consumption in public, minors), enforcement and training. Certain additional regulatory powers are enabled for local governments and regional districts.
- **Village of Pemberton** - The Province has established that local governments may further restrict certain elements of non-medical (recreational) cannabis retail sales. Criteria that local governments will be able to address include, but are not limited to, the following:
 - Zoning and Land Use (including distance requirements from public uses and other cannabis-related operations);
 - Operational Requirements (business hours of operation and security features)
 - Storefront and Signage limitations, including the display of products;
 - Business Licence Regulations; and
 - Public Consumption.
- **Applicants** - Applicants for a private non-medical cannabis retail store licence must make application through the provincial Liquor and Cannabis Regulation Branch.

OBJECTIVES

- To permit the legal and controlled sale of non-medical (recreational) cannabis within the Village of Pemberton.
- To encourage locations that integrates with the surrounding land uses.
- To establish distance requirements from public spaces to minimize impacts and influences on minors and other vulnerable populations.
- To establish distance requirements from other cannabis related businesses to limit the number and concentration within a certain area.
- To indicate the process by which the Village will make decisions with respect to land use and zoning and how the views of nearby residents will be gathered.

DEFINITIONS

Applicant: means a company or organization proposing to operate a non-medical (recreational cannabis) retail business in the Village of Pemberton.

Non-Medical Cannabis: means a cannabis plant used for recreational purposes Cannabis has the same meaning as in the *Cannabis Act* (Canada), subject to any prescribed modifications.

Distance Requirement: means the minimum distance measured horizontally from the subject property of the proposed non-medical cannabis retail business for notification.

Vulnerable Populations: means children and youth under the age of nineteen (19), people with mental health problems, pregnant women, and other socio-economically disadvantaged populations.

POLICY

Licensing Referrals and Notification

- The provincial Liquor and Cannabis Regulation Branch (LCRB) will be responsible for licencing non-medical (recreational) retail businesses. A cannabis retail licencing regime similar to the current licencing regime for liquor has been established whereby licence applications must be initiated with the LCRB, before being referred to the Village of Pemberton. Refer to **Appendix A - Cannabis Retail Application Process**.
- When an application is received, the LCRB will notify the local government where the proposed store will be located. Upon receiving notice, the Village of Pemberton can:
 - Choose not to make a recommendation (which ends the licence application as the LCRB is not able to issue a licence unless the local government gives a positive recommendation); or
 - Choose to make comments and recommendations on an application, based on the views of nearby residents.

- Views of nearby residents will be gathered by mailing or otherwise delivering a written notification to properties within 100m of the proposed non-medical (recreational) cannabis retail business location. The notice will invite property residents/property owners to send in comments and/or attend a meeting where a decision to support the application will be made. This notification will be done for each and every application referred to the Village by the LCRB.
- The Village will require the Applicant to seek a rezoning application to permit the use at the given location. The rezoning process will follow the standard Village process and include referral to stakeholders, review by the Advisory Land Use Review Commission, notification to nearby residents within 100 m of the proposed location, bylaw readings and a Public Hearing.
- If the rezoning application is successful, the Village will send a positive recommendation to the LCRB, and the application will continue to be processed by the Province.
- If the rezoning application is not successful, the Village will not send a positive recommendation to the LCRB and the application will be halted.

Land Use and Zoning

- The Village of Pemberton Zoning Bylaw No. 832, 2018 prohibits cannabis retail businesses in all zones.
- In order for a potential location within the Village of Pemberton to be assessed by the Village of Pemberton, an applicant must apply for an Official Community Plan (OCP) Amendment (if necessary) and Zoning Bylaw Amendment (rezoning).
- Costs, Approval Processes, Timelines, Signage and Application Requirements for an OCP/rezoning application are as per the Village of Pemberton Development Procedures Bylaw No. 725, 2013, as amended from time to time.
- The Village of Pemberton will not charge an additional assessment fee outside of its current applications fees (Schedule "A" of Bylaw No. 725, 2018).

Distancing Requirements

- Preferred locations for non-medical cannabis retail businesses will be one hundred (100) meters from the following public uses:
 - Community Centres and Youth Centres
 - Libraries
 - Licenced Daycares
 - Playgrounds and Playing Fields
 - Schools
 - Skate Parks/Bike Parks and any other locations frequented by minors
- Preferred locations for non-medical cannabis retail businesses will be eight hundred (800) meters from other non-medical (recreational) cannabis retail businesses.

- A map showing the distancing requirements is attached as **Appendix B**.

Operational Requirements

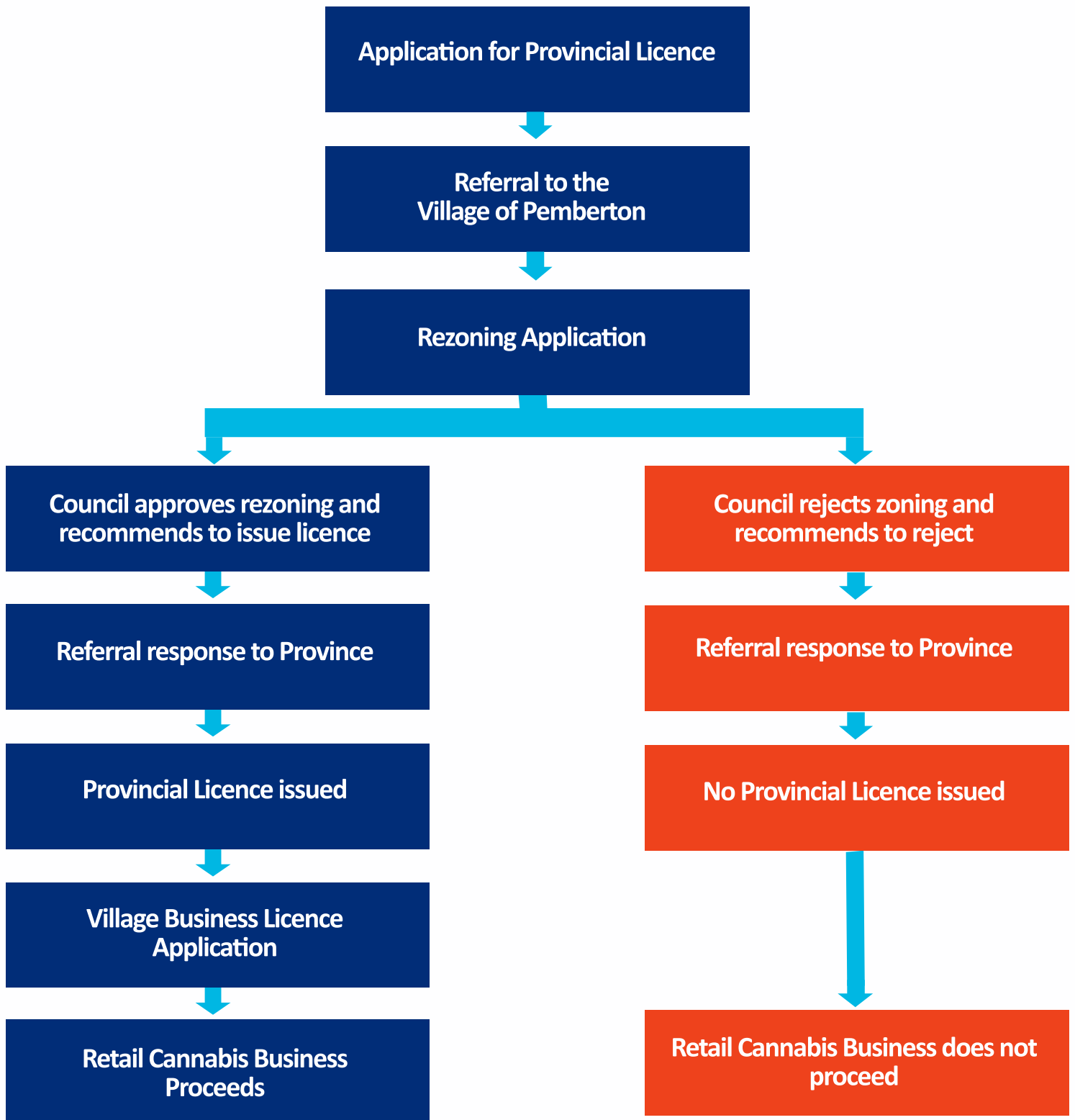
- No non-medical (recreational) cannabis retail business may operate between the hours of 9:00pm and 9:00am.
- A non-medical (recreational) cannabis retail business must install the following security/safety measures:
 - Video surveillance cameras that monitor all entrances and exits and the interior of the business premises. Video camera data collected shall be retained for at least twenty-one (21) days.
 - Certified Security and Fire Alarm systems that are operational and monitored at all times.
 - Air filtration and odour suppression systems that is operational at all times.
 - A minimum of two (2) employees onsite at all times.
 - Any other security measures deemed appropriate by referral agencies such as the RCMP, Village Fire and Rescue and the Village Chief Building Official.

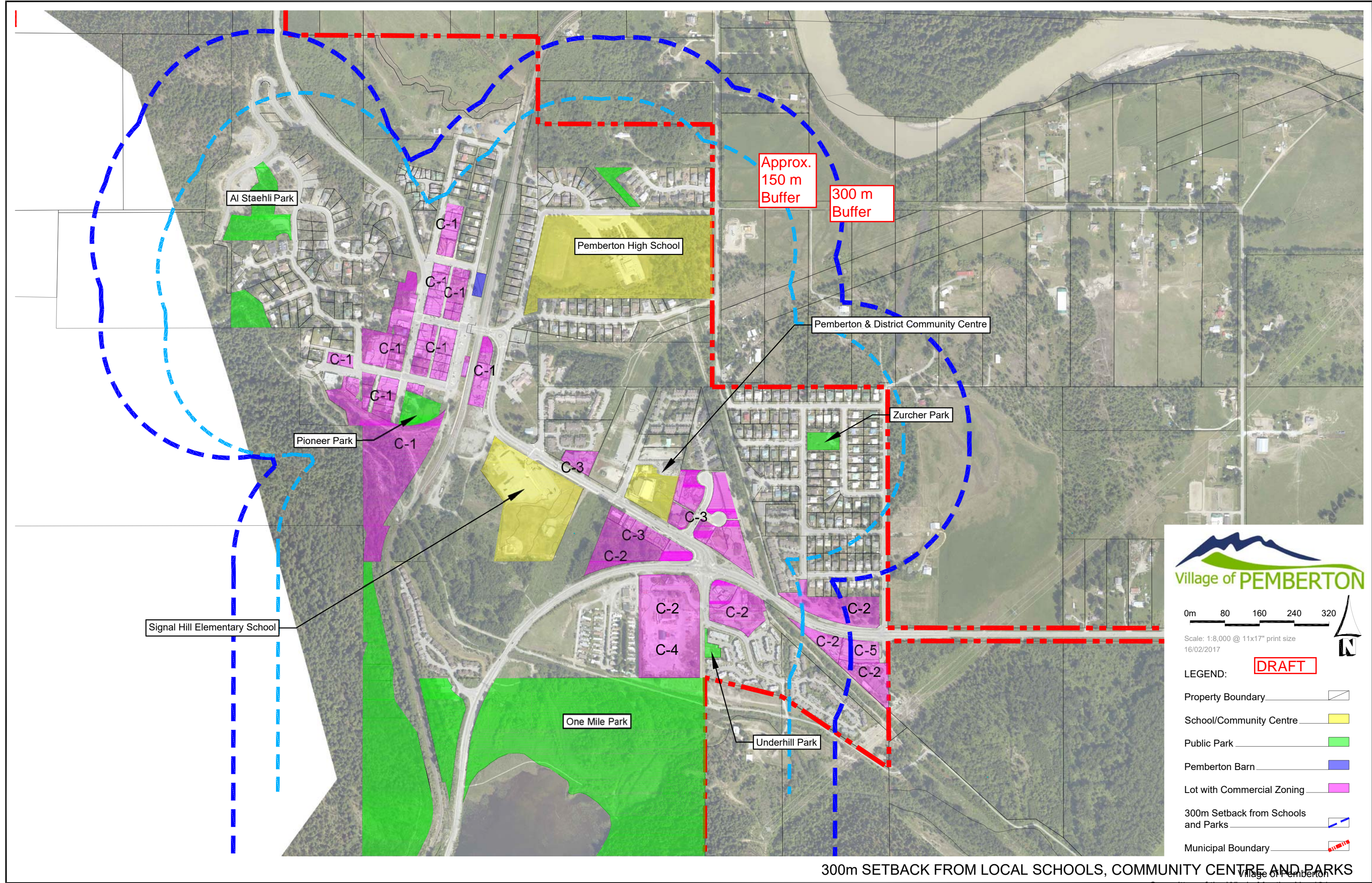
Business Licence Fee and Requirements

- A non-medical (recreational) cannabis retail business must obtain a Village of Pemberton Business Licence before operating their business.
- The annual fee for a Business Licence for a non-medical (recreational) cannabis retail business shall be established at a rate not less than \$5,000. Business Licences are renewed on January 1 of each calendar year and expire on December 31 of the same year.
- Business Licence requirements for non-medical (recreational) cannabis retail businesses shall be determined by the Village of Pemberton Business Licence Bylaw, as amended from time to time.
- Applicants must provide but is not limited to the following documents upon submission of their business licence application:
 - Proof of Provincial Licence Issuance from the LCRB;
 - Proof of Completion of the LCRB Employee Training Program;
 - Security Plan
 - Permission from the owner of the building, if the space is rented or leased.

Signage

- Signage Requirements for non-medical (recreational) cannabis retail businesses shall be as determined by the Village of Pemberton Sign Bylaw, as amended from time to time.





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 16/02/2017

DRAFT

- LEGEND:
- Property Boundary
 - School/Community Centre
 - Public Park
 - Pemberton Barn
 - Lot with Commercial Zoning
 - 300m Setback from Schools and Parks
 - Municipal Boundary

300m SETBACK FROM LOCAL SCHOOLS, COMMUNITY CENTRE AND PARKS



Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores

If you have any questions about this document, please contact the Liquor and Cannabis Regulation Branch toll-free at 1-866 209-2111, or email cannabisregs@gov.bc.ca. NOTE: This document will be updated from time to time as additional information surrounding the regulatory framework for cannabis retail sales becomes available.

Branch name change

The Liquor Control and Licensing Branch has been renamed to the Liquor and Cannabis Regulation Branch (LCRB) to represent its new additional responsibility of licensing and monitoring the retail sale of non-medical cannabis in British Columbia.

Non-medical cannabis retail licence

The province will be issuing licences for non-medical cannabis retail stores. A cannabis retail store must be a standalone business. This licence requires input and a positive recommendation from a local government in whose area the proposed store is located.

The province recognizes the importance of ensuring carefully regulated access to non-medical cannabis in all areas of the province, including rural areas.

As a first step, the province will open opportunities to apply for regular retail licences. Once the regional distribution of retail non-medical cannabis stores is known, the province will consider issuing licences to service rural or remote areas that are not sufficiently served by existing retail cannabis stores.

The role of local governments in the cannabis retail store licensing process

Applicants for a non-medical cannabis retail store licence must submit a licence application to the LCRB. When an application is received, the LCRB will notify the local government of the area where the proposed store will be located.

Upon receipt of notice, local governments can:

- choose not to make any recommendation in respect of the application for a cannabis retail store licence (Note: this would end a licence application in progress because the LCRB cannot issue a licence unless the local government gives the LCRB a positive recommendation that the licence be issued)
- choose to make comments and recommendations in respect of an application for a cannabis retail store licence. Note that:
 - if the local government chooses to make a comments and recommendation on the licensee's application to the LCRB, it must gather the views of residents

- if it makes a recommendation to deny the application then the LCRB may not issue the licence
- if it makes a recommendation in favour of the application, then the LCRB has discretion whether or not to issue the licence, but must consider the local government's recommendation.

Local Governments (municipalities, regional districts or Islands Trust local trust committees) have some or all of the following regulatory powers in respect of cannabis retail store licences:

- Impose restrictions in its zoning bylaws regarding the location of cannabis retail stores
- Regulation of business (municipalities only): by terms and conditions in its business licensing bylaw, a municipality may limit the hours that cannabis retail stores can operate or impose other conditions such specifications regarding signage
- Charge the applicant fees if choosing to assess an application.

The above process applies to all relocations of existing cannabis retail stores.

Gathering residents' views

If the local government decides to consider the notice of application and to provide comments and recommendations as to the location of the proposed retail store, it must gather the views of residents of the area if the location of the proposed store may affect nearby residents. It may gather resident's views by using one or more of the following methods:

- Receiving written comment in response to a public notice of the application
- Conducting a public hearing in respect of the application
- Holding a referendum, or
- Using another method the local government considers appropriate.

It is up to the local government to determine the area, relative to the licensee's application, where resident's views must be gathered.

Please note: Gathering the views of residents of the area/providing a recommendation to the LCRB must be unique to each provincial licence application. In other words, past recommendations cannot be used in a new licensing process. Each individual application must be considered separately by the local government.

What must the local government's recommendation include?

The recommendations and comments the local government provides to the LCRB must:

- be in writing (this may or may not be in the form of a resolution)
- show that the local government has considered the location of the proposed store
- include the views of the local government on the general impact on the community if the application is approved
- include the views of residents if the local government has gathered residents' views, and a description of how they were gathered
- include the local government's recommendation as to whether the application should be approved or rejected and provide the reasons upon which the recommendation is based.

The local government should also provide any supporting documents referenced in their comments.

What if the local government does not want to provide a recommendation?

If a local government does not want to accept the notice of application and provide a recommendation for the proposed retail location, they should notify the LCRB. A licence for a cannabis retail store will not be issued without a positive recommendation from a local government. If a response is not received, LCRB will not consider the application any further.

What if the recommendation does not meet the regulatory requirements?

If the recommendation does not meet the regulatory requirements, the LCRB will ask the local government to provide new or amended comments that address outstanding issues.

How long does the local government have to provide comments?

Unlike in the process for liquor licensing, local governments are not required to provide a recommendation on a cannabis retail store application within a specific time period. Please note that delays in the application process can have a significant impact on the applicant. If the applicant is the reason for the delay, please notify the LCRB. If the applicant is not trying to move an application forward, the application can be cancelled.

Can the local government recommend approval subject to certain conditions?

In some circumstances, the local government can recommend that the LCRB approve the application as long as certain restrictions (e.g. hours of operation) are placed on the licence. In these situations, the recommendation should clearly explain the rationale for placing restrictions.

If the local government intends to request that the LCRB impose terms and conditions on a licence, prior to sending such a recommendation the local government should consult with the LCRB so that the LCRB can determine whether it has the authority to impose the requested terms and conditions before finalizing their conditional recommendation.

The local government may also have the ability to impose other operating rules on the proposed store through the terms and conditions of the applicant's business licence, zoning or bylaw. The local government is responsible for enforcing these rules.

Floor Plans

Applicants must submit a floor plan with their licence application for approval so the LCRB can identify store features such as sales, storage and delivery areas. Unlike for some kinds of liquor licence applications, local governments are not required to provide occupant load stamps or approve the applicant's floor plans as part of the provincial licensing process for cannabis retail stores.

A municipal council or regional district board can delegate authority to their staff to provide comments and a recommendation to the LCRB

A municipal council or regional district board may delegate its powers and duties to provide comments and a recommendation to the LCRB regarding a cannabis retail store licence application. If a council or board has delegated this authority, a cannabis retail store applicant may ask for comments and recommendations made by delegated staff to be reconsidered by the local government.

Council as defined in the Vancouver Charter:

A Council, as defined in the *Vancouver Charter*, choosing to delegate to its staff must establish procedures for a reconsideration of comments and recommendations made by delegated staff, including how a cannabis retail store applicant may apply for reconsideration. In undertaking a reconsideration, the Council will have the same authority as it delegated to staff.

Right of reconsideration:

Delegated local government staff must advise the cannabis retail store licence applicant that the applicant has the right of reconsideration of the staff's recommendation by the council or board.

How local governments inform the LCRB of delegation:

A local government that has delegated authority to staff should send a copy of the delegation to the LCRB at cannabisregs@gov.bc.ca.

Date: Tuesday, September 4, 2018

To: Nikki Gilmore, Chief Administrative Officer

From: Sheena Fraser, Manager of Corporate & Legislative Services
Gwendolyn Kennedy, Legislative Assistant

Subject: Draft Business Licence Bylaw

PURPOSE

The purpose of this report is to introduce a draft Business Licence Bylaw that updates existing business licence regulations and adds provision for the licencing of short-term vacation rentals.

BACKGROUND

In 2015, under Council's direction, Staff began monitoring short-term vacation rental websites such as AirBnB.com and VRBO.com. Since then, Staff have conducted research into regulating short-term vacation rentals and have reviewed similar legislation enacted by other local governments. In the absence of applicable legislation, Staff have been contacting operators of short-term vacation rentals and requesting that they obtain a Bed and Breakfast business licence.

At the Regular Meeting No. 1456, held Tuesday, September 12, 2017, the Committee of the Whole rose with report with recommendations regarding regulations for short term vacation rentals. The resolution passed is set out below:

Moved/Seconded

THAT staff be directed to create a definition of short-term vacation rental in the draft new Zoning Bylaw and permit their use under the following conditions:

- *Only in those zones that currently permit a bed and breakfast (as defined by Zoning Bylaw No. 466, 2001);*
- *Only permitted within the principal dwelling, unless the property owner receives a Temporary Use Permit (TUP) for their property to allow this use in a secondary suite (a TUP would allow the use on a temporary basis for up to a maximum of three (3) years, with the ability to renew once for a maximum of three (3) more years, and would require an application fee, notification as per the Local Government Act, and the opportunity to include other specific conditions as needed), thus keeping a majority of secondary suites in the long term rental pool;*
- *Up to a maximum of two (2) guests per bedroom, to a total household maximum of eight (8) guests with one (1) off-street parking space provided per bedroom used for short term vacation rental;*
- *Operators of short term vacation rentals will be required to apply for a business licence, which entails zoning, building and fire safety inspections;*

- *The total number of business licences issued for short term vacation rental properties would be limited to a certain number for the community as a whole with appropriate caps per neighbourhood and per street at a number to be determined, and applications would be accepted on an annual first come first served basis;*
- *Operators of short term vacation rentals would be required to maintain a \$2,500 infraction deposit with the Village of Pemberton, which would be drawn upon in the case of complaints warranting staff time;*
- *Operators of short term vacation rentals would be required to enter into a 'Good Neighbour Agreement', details of which to be developed;*
- *Operators of short term vacation rentals will be subject to the same utility rates as bed and breakfast operators;*
- *Breakfast would not have to be included.*

CARRIED

OPPOSED: COUNCILLOR CRADDOCK

Moved/Seconded

THAT upon adoption of the Zoning Bylaw, staff be directed to amend the Business Licence Bylaw to include a definition of short term vacation rentals (in alignment with the Zoning Bylaw definition), establish a separate Business Licence fee, and require proof of insurance for short term vacation rental business licences;

AND THAT and the Municipal Ticketing Information Utilization Bylaw be amended to support the regulation of this new type of home-based commercial business.

CARRIED

OPPOSED: COUNCILLOR CRADDOCK

In July 2018, Village of Pemberton Zoning Bylaw No. 832, 2018 was adopted and added short-term vacation rentals as a permitted use in residential zones. The Bylaw addresses a number of the points noted above and, as a result of further work and discussions, some amendments to the direction provided by Council were incorporated into the Zoning Bylaw (**Appendix A**). In particular, Council did not support the requirement of establishing a temporary use permit and reduced the number of allowable rooms for rent from 4 to 3. The recommended requirements to set a cap on the number of business licences, establish an infraction deposit and Good Neighbour Agreement and requirement that utility rates be the same as a Bed and Breakfast were not incorporated into the Zoning Bylaw as they fit better in other bylaws such as the Business Licence, Water and Sewer Rates bylaws.

With the adoption of the Zoning Bylaw there is now a need for the regulating and licencing of this type of business. Staff have prepared a draft Business Licence Bylaw (**Appendix B**) for the Committee's consideration that updates the existing business licence regulations and adds short-term vacation rental licence requirements.

DISCUSSION & COMMENTS

Changes to the bylaw include updates to wording and definitions to align with current legislation and with Village of Pemberton Zoning Bylaw No. 832, 2018, formatting updates, and the addition of Section 21 that adds regulations specific to short-term vacation rentals.

The intent of Section 21, Short-Term Vacation Rentals, is to ensure that short-term vacation rentals comply with existing applicable Village of Pemberton bylaws, that they are conducted in

a manner to minimize disruption to residential neighborhoods, that the operators pay fair rates for utilities and business licences and are subject to fair penalties for bylaw infractions.

The following is a review of the changes and or additions made to the Business Licence Bylaw:

Definitions

This section was reviewed and updated to incorporate new definitions related to short term vacation rental. In particular, the following definitions were added to align with the new Zoning Bylaw definitions and establish definitions relevant to the new business use:

- Off-Street Parking
- Tourism Accommodation
- Short-Term Vacation Rental
- Principal Residence
- Secondary Suite

Short-Term Vacation Rental and Short-Term Vacation Rental Operator were added and differ from Bed and Breakfast and Bed and Breakfast Operators in that operators of a short-term vacation rental may rent a suite, or the entire house, or rooms within the suite or house, up to a maximum of three (3) bedrooms, while operators of a bed & breakfast are restricted to renting a maximum of two (2) bedroom within the dwelling unit as set out in the Zoning Bylaw.

As well, some of the existing definitions were updated to reflect current practice.

Section 4

Review of the bylaw noted that the Village may wish to include clear language respecting the need to comply with all legislation. As such, subsection 4.6 was added to require that all persons carrying on a business comply with all applicable local, provincial and federal legislation as well as with the provisions of this Bylaw.

Section 21

In developing the business licence regulations for short term vacation rental, Staff reviewed the approach other communities have taken and spoke with several staff of those communities who facilitate the business licence process. Through this research, and keeping in mind the direction of Council given in September 2017, Staff has developed regulations for short term vacation rentals which are set out in Section 21 of the proposed bylaw. The key features of the Bylaw include the following:

1) General Regulations (21.1)

Short-term vacation rental regulations apply to the advertising of a short-term vacation rental and every advertisement must disclose the short-term vacation rental business licence number. This will facilitate the monitoring of short-term vacation rental advertising

sites for unlicensed businesses and will permit ticketing based on the existence of an online advertisement alone, removing the need for proof that the unit was rented as a short-term vacation rental (21.1.1).

2) Principal Residence Requirement (21.2)

The principle residence requirement was included to prevent owners of second homes from operating these as businesses.

3) Application (21.3)

The short-term vacation rental application requires the applicant to provide proof of ownership and proof of principal residence, proof of insurance and to provide the Village with contact details for one or two local emergency contacts.

4) Security Deposit (21.4):

Council proposed a \$2,500 security deposit that could be used to recoup unpaid bylaw infraction tickets or in the event that the Village had to undertake repairs or maintenance to Village property as a result of guests' actions. Upon review of similar bylaws and consultation with other local governments, Staff found that a security deposit may not be used for the purpose of recouping outstanding fines in particular, and that a substantial deposit may act as a as a disincentive to compliance. Furthermore, deposits are costly for the Village to administer.

The City of Nelson has decided to remove their deposit requirement after one year as it has not been used. Sechelt still requires a deposit but has never used it; Fernie and Tofino have no deposit requirement.

As an alternative to a \$2,500 deposit, Staff is recommending two options for consideration:

- Reducing the deposit to \$1,000 or less and increasing the licence fee to \$300 (Schedule "A" of the Bylaw) to cover the higher administrative cost of processing a short term vacation rental licence; or
- Eliminating the deposit requirement entirely and increasing the licence fee to \$300 or higher. Note: Licence fees imposed by other local governments range from as low as \$49 (Vancouver) to as high as \$800 (Nelson).

Staff is seeking direction from the Committee with respect to whether a security deposit should be required and if so at what rate.

Staff is also seeking direction with respect to the Business Licence Permit Fees.

5) Good Neighbour Agreement (21.5)

A Good Neighbour Agreement (**Appendix C**) has been included as per Council's direction. The intention of the agreement is for short-term vacation rental operators to acknowledge their responsibilities as operators. The Good Neighbour Agreement will not

be directly enforceable but violations of the terms of the Agreement may result in the licence being cancelled.

6) Neighbourhood Allocation Cap (21.6)

The neighborhood allocation cap (21.6) was included as per Council direction but conflicts with the permission granted in Zoning Bylaw No. 832, 2018, and, furthermore, may be perceived as assisting existing short-term vacation rental business licence holders. Some other local governments have neighborhood allocation caps (Nelson and Rossland are two examples) and none have yet had to enforce them. The City of Fernie has no cap due to the difficulty of enforcing a cap. Sechelt is considering adding a cap or banning short-term vacation rentals entirely.

A map by neighbourhoods is attached to the Bylaw as Schedule 'C'.

7) Penalties (22)

Staff recommend that the penalty for carrying on a short-term vacation rental business without a licence be high enough to dissuade anyone from doing so. As such, the penalty has been set at double the cost of the proposed short-term vacation rental business licence fee, or \$600 (see Schedule "B" of the Bylaw).

COMMUNICATIONS

There are no communication requirements at this stage.

Should the Committee direct that the Bylaw be brought forward for Council's consideration and subsequently adopted, the Village will utilize our regular social media channels to provide an update on the new regulations.

Staff will be developing an FAQ along with a new Business Licence application form specifically for short-term vacation rentals and this information will be on the Village website.

Staff will contact current *bed and breakfast* business licence holders that provide short term nightly accommodation rentals, individually to explain the new regulations and to seek compliance.

LEGAL CONSIDERATIONS

Staff has obtained a legal review of the bylaw and will seek further review if required prior to presenting the bylaw to Council for readings.

IMPACT ON BUDGET & STAFFING

Preparation of this bylaw has been done in-house and is a component of the work plan for Corporate & Legislative Services. As such there are no impacts to staffing or budget.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts to be considered at this time.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

There are no impacts on other jurisdictions.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

POTENTIAL GOVERNANCE CONSIDERATIONS

A review and update of the Village's Business Licence Bylaw to incorporate regulations respecting short-term vacation rentals meets with Strategic Priority No. One: Economic Vitality by supporting a complete and diversified economy and Strategic Priority No. Three: Excellence in Service by delivering the highest quality level of municipal services.

RECOMMENDATIONS

THAT the Committee of the Whole provide direction.

ATTACHMENTS:

Appendix A: Section 7.23, Village of Pemberton Zoning Bylaw No. 832, 2018.

Appendix B: Draft Business Licence Bylaw

Appendix C: Draft Good Neighbour Agreement

Prepared by:	Gwendolyn Kennedy, Legislative Assistant
Manager Approval:	Sheena Fraser, Manager of Corporate & Legislative Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

7.23 Short-Term Vacation Rental

- (a) Where *permitted* in a *zone*, *short-term vacation rental use* shall be subject to the following regulations:
- i. *Short-term vacation rental* is only *permitted* in a lawful *dwelling unit* that is a *principal residence*, or a *secondary suite*, but not both.
 - ii. *Short-term vacation rental* is not *permitted* in an *accessory building* or vehicle, recreation vehicle, tent or trailer, other than a *carriage house*.
 - iii. Occupancy shall not exceed two (2) persons per available bedroom, to a maximum of six (6) guests.
 - iv. One (1) off-street parking space shall be provided for each bedroom used as *short-term vacation rental*.
 - v. Any person intending to operate a *short-term vacation rental* shall hold a valid and current business license from the Village of Pemberton.

7.24 Subdivision to Provide a Residence for a Relative

- (a) The minimum size for a *lot* that may be *subdivided* shall be that prescribed under the *Local Government Act*.
- (b) Subdivision in the *ALR* is subject to the *Agricultural Land Commission Act* and the *Agricultural Land Use, Subdivision and Procedure Regulation*.

7.25 Subdivision of Lots Separated by Roads or another Lot

- (a) Notwithstanding the minimum *lot* area provisions of each *zone*, where a portion of a *lot* is physically separated from the remainder of the *lot* by a *highway* or another *lot*, which separation was in existence as of the date of adoption of this Bylaw, the physically separated portion may be subdivided from the remainder of the *lot* provided that:
- i. the *highway* or other *lot* is used as the Subdivision boundary;
 - ii. if the *lot* lies in the *Agricultural Land Reserve*, the approval of the *Agricultural Land Commission* has first been obtained; and
 - iii. no *lot* created pursuant to this section shall be less than 1 Ha in area where connection to a *community water system* is not available and 0.4 Ha in an area where *community water system* connections are made to each *lot*.

7.26 Temporary Use Permits

- (a) Temporary *commercial* and *industrial uses* may be allowed under Section 493 of the *Local Government Act* within all *commercial* and *industrial zones*.
- (b) In considering the issue of a *Temporary Use Permit*, the Council or its delegate shall consider the following:
- i. Whether the proposed *use* is consistent with the Official Community Plan designation for the *land*;
 - ii. Whether the proposed *use* is consistent with any other relevant Village of Pemberton policies.

APPENDIX B

DRAFT

VILLAGE OF PEMBERTON BYLAW No. XXX, 2018

Being a bylaw to Provide for Licencing of Businesses in the Village of Pemberton

WHEREAS pursuant to Section 59 of the *Community Charter*, Council is empowered to regulate in relation to business;

AND WHEREAS Council is empowered to provide for granting of business licences, to fix and impose licence fees and regulate certain trades, occupations and businesses in the Village of Pemberton;

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

PART 1: CITATION

This bylaw may be cited for all purposes as the “Village of Pemberton Business Licence Bylaw No. 751, 2014”.

PART 2: DEFINITIONS

2.1. In this Bylaw:

Bed and Breakfast means the accessory use of a detached dwelling for tourism accommodation in which a maximum of two (2) bedrooms of an owner-occupied detached dwelling are available as tourism accommodation.

Business means engaging in a trade, occupation, profession, commercial or industrial activity or an undertaking of any kind; and engaging in a trade, occupation, profession, commercial or industrial activity or any undertaking of any kind, but does not include an Employee, or an activity carried on by the Provincial Government, by corporations owned by the Provincial Government or by agencies of the Provincial Government.

Business Licence means a licence issued pursuant to this Bylaw.

Business Licence Fee means the annual fee as set out in Schedule ‘A’.

Business Name means the name, words, trademark, and/or symbol which a Business uses to identify, indicate or advertise the Business.

Bylaw Enforcement Officer means a *person* appointed to that position for the Village by the Chief Administrative Officer.

Community Charter means the *Community Charter*, S.B.C., c26.

Community Event means a public event occurring within the Village of Pemberton, is sponsored by a bona fide recognized nonprofit organization or a governmental organization and includes but is not limited to parades, festivals, celebrations and displays.

Corporate Officer means the Corporate Officer of the Village.

Council means the Municipal Council of the Village.

Employee means a *person* who is on the payroll record of a Business, which holds a *business licence*, for which Government of Canada payroll tax deductions are levied by the Business regarding that individual *person*, and shall also include a *person* who obtains no less than 85% of their yearly income from one Business only.

Farmer's Market means a minimum of 60% of market vendors who grow agricultural products and offer them for sale to the public. Farmers Markets will generally also feature locally prepared foods and artisan crafts, as well as ready-to-eat foods and beverages, entertainment, community information and education.

FOIPPA means the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996 c.165.

Licence Inspector means the *person* from time to time duly appointed by the Chief Administrative Officer as Licence Inspector for the Village of Pemberton.

MTI Bylaw means the Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 542, 2004, and as amended from time to time or superceded.

One-Stop Business Registration means the Provincial Government's online initiative which enables a Business to register with multiple public agencies in one step.

Owner means any person who is the registered owner as indicated in the records of the Kamloops, British Columbia Land Title Office, and includes any *person* in actual or apparent possession of Real Property under a lease, licence or other agreement and includes any authorized representative of the aforesaid.

Person means an individual, corporation, partnership or party, and the personal or legal representatives of a *person*, to whom the context can apply according to law.

Premises means stores, offices, warehouses, factories, buildings, houses, enclosures, yards or other places occupied, or capable of being occupied, by a Business entity for the purpose of carrying on a Business.

Provincial Government means the government of the Province of British Columbia.

Real Property means land, with or without improvements so affixed to the land as to make them in fact and law part of it.

Resident Business means a business carried on, in or from premises within the municipality;

Non-Resident Business means a business, other than a resident business, carried on within the municipality or with respect to which any work or service is performed within the municipality;

Off-Street Parking means the use of private land for the parking of motor vehicles other than on a highway.

Principal Residence means the dwelling where an individual primarily lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver's licenses, personal identification, vehicle registration and utility bills

Safety Standards Act means the *Safety Standards Act* S.B.C. 2003 c.39.

Secondary Suite means a separate dwelling unit which is completely contained within a detached dwelling, which meets the requirements of the *BC Building Code*, and is subordinate in size, extent or purpose to the residential principal building on the lot upon which the *secondary suite* is located.

Short-Term Vacation Rental Operator means a *person* who owns or operates a *Short-Term Vacation Rental*.

Short-Term Vacation Rental means the use of a dwelling unit, or a portion of a dwelling unit, for *tourism accommodation*, but does not include Bed and Breakfast establishment, Bed and Breakfast Inn, Hostel, Motel or Hotel as these establishments are defined in the Village of Pemberton Zoning Bylaw No. 832, 2018.

Special Event means a Business involving short term or temporary events, performances, concerts, exhibitions, entertainment or concessions that, except as provided otherwise in the bylaw, does not exceed seven (7) days with the calendar year and includes but is not limited to retail sale, auction, Trade Show, flea market, craft fair, circus or carnival.

Special Event Bylaw means the Village of Pemberton Special Event Bylaw No.750, 2014, and as amended from time to time or superceded.

Temporary Commercial Vendor means a Business which offers for sale from a stationary vehicle, or temporary stall that is not part of a permanent use on the lot, goods, other than food items for immediate consumption, otherwise permitted to be sold in the zone in which the vehicle or stall is located.

Ticket Information means a municipal ticket information issued accordance with the Municipal Ticket Information Bylaw.

Trades Contractor means a Business Type that provides service in a trade that is designated by the Advanced Education Industry Training Authority of the Province of British Columbia as a trade within which it is mandatory that journey persons hold a valid 'Certificate of Qualification' to practice their trade and apprentices must be registered through an apprenticeship agreement.

Tourism Accommodation means the use of land, buildings, or structures for providing temporary commercial lodging by visitors for a period not to exceed thirty (30) consecutive days or 182 days in a twelve (12)-month period, and specifically excludes Residential occupancy by any person other than the owner and short-term vacation rental unless specifically permitted in this Bylaw.

Vending Machine means any machine or device operated mechanically or otherwise by inserting a coin, token or slug, or operated by credit or debit card, for the sole purpose of selling or dispensing any goods, wares, merchandise, or dispensing refreshments, confections and food, tobacco products, detergents and machines or devices providing a service but does not include clothes washers/dryers.

Village means the Village of Pemberton.

PART 3: ADMINISTRATION

- 3.1. The Licence Inspector is hereby appointed to administer and carry out the provisions of this bylaw.
- 3.2. Words defining responsibilities and authority shall be construed to be an internal administration direction and not as creating a duty.

PART 4: AUTHORITY

- 4.1. The Licence Inspector is authorized to grant, issue, transfer, suspend or cancel a *business licence* as herein provide or refuse to grant, issue or transfer a *business licence*;
- 4.2. All Premises from which an applicant for a *business licence* proposes to carry on or conduct any Business in respect of which a *business licence* is required to be held pursuant to this Bylaw, shall comply with all relevant Bylaws of the Village before a *business licence* is granted; and the applicant shall upon request produce such certificates or letters of approval as may be required by Federal, Provincial or Village authorities with respect to the Business.

- 4.3. The Licence Inspector may only issue a *business licence* if the *business licence* Fee as set out in schedule 'A' has been paid.
- 4.4. The Licence Inspector may require confirmation of approval, in a form satisfactory to the Licence Inspector, from the Ministry of Health, R.C.M.P. or the Village Fire Department respecting a *business licence* application and in such cases the Licence Inspector must not issue a *business licence* until he has received such approvals. A *business licence* holder shall immediately notify the Licence Inspector of any suspension or cancellation for any such approvals and the Licence Inspector may suspend the *business licence* pending reinstatement of such approvals.
- 4.5. A *business licence* issued under this Bylaw is not a representation or acknowledgement by the Village to an applicant or holder of a *business licence* that the proposed Business complies with any or all applicable laws or other enactments.
- 4.6. A *person* carrying on a business within the Village must at all times comply:
- a) With this Bylaw, other Bylaws of the Village or other local government having jurisdiction over the business activity, and with any applicable enactments of the Provincial and Federal governments;
 - b) With any and all terms and conditions, restrictions, or limits of a license issued under this Bylaw and any other applicable enactment;

PART 5: APPLICATION FOR BUSINESS LICENCE

- 5.1. Every *person* applying for a *business licence* shall complete the *business licence* application as prescribed by the Licence Inspector, or if available applying online on the prescribed application form via the Provincial Government One Stop Business Registration provided however an applicant who wishes to apply online shall also provide the Village with the prescribed *business licence* Fee at the time of application and with such further information as may be requested by the Village.
- 5.2. Information provided on the *business licence* application may be subject to "*Freedom of Information and Protection of Privacy Act*" enquiries.

PART 6: ISSUING OF BUSINESS LICENCE

- 6.1. Subject to the *Community Charter*, and unless exempted under Provincial Government or Federal legislation or specifically exempted under this Bylaw, any *person* carrying on Business in the Village, whether a Resident Business or Non-Resident Business, must first hold a valid and subsisting *business licence* issued by the Village.
- 6.2. No *business*, *person* or representative shall advertise, solicit or promote for a Business activity without first obtaining a *business licence*.

- 6.3. No *business, person* or representative that does not have a permanent base of operations in either a home or commercial location within Pemberton shall advertise, solicit or promote for a Business activity without first obtaining a *business licence*.
- 6.4. A *business* may conduct or offer any number of different business activities within the Business for which the *business licence* is issued provided however that each business activity is disclosed and included in the *business licence* application and the *business licence* which is issued indicates that each business activity is approved.
- 6.5. At the time a *business* undertakes any new activity that would alter the information previously provided on the *business licence* application form, the holder of the *business licence* shall notify the Licence Inspector of such change, pursuant to section 8 of this Bylaw.

PART 7: INSPECTION OF PREMISES

- 7.1. Every *owner, occupier* or *business licence* holder of any Business in the Village shall give to the *Licence Inspector* access at any reasonable hour to the *premises* from which a *business* is carried on.
- 7.2. The *Licence Inspector* may inspect the *premises* for which a *business licence* application is made or a *business licence* is issued and such inspection shall be for the purpose of observing compliance with all applicable bylaws as amended from time to time.

PART 8: TRANSFER, CHANGE OR CANCELLATION OF BUSINESS LICENCE AT THE REQUEST OF THE BUSINESS

- 8.1. A holder of a *business licence* shall notify the Licence Inspector, in writing prior to:
- a) closing of the *business*;
 - b) changing the Business Name, phone number and/or fax number, emergency contact name, mailing address (Business Information);
 - c) changing the *business owner* or *business licence* holder;
 - d) changing the location of the *business*;
 - e) changing or adding to the *business*;
 - f) change to the liquor licence or addition of a liquor licence for the *business*.
- 8.2. With the exception of changes made at the time of renewal of a *business licence*, a holder of a *business licence* shall pay the applicable transfer and change fee as set out in Schedule 'A'.

- 8.3. Where more than one change is contemplated involving the *business owner*, *business location* or *business activities*, the existing *business licence* shall be deemed to be cancelled and a new *business licence* application shall be made by the *business licence* holder.

PART 9: PERIOD OF BUSINESS LICENCE

- 9.1. All Business Licences issued under this Bylaw shall be for the calendar year and will expire on December 31st except if a *business licence* is previously forfeited under this Bylaw.

PART 10: BUSINESS LICENCE FEES

- 10.1. An applicant for a *business licence* must pay to the Village the applicable *business licence fee* for that *business licence* at the time of application and a *business licence* is not valid until it has been issued by the *Licence Inspector*.
- 10.2. The Village shall refund Business Licence Fees only where a *business licence* application is withdrawn by the applicant prior to the *business licence* being issued, or the *business licence* is refused by the Village, the Village shall refund any *business licence* Fees paid on account of the *business licence* application, less an administration fee of 10% of the *business licence* Fee.

PART 11: FORM AND DISPLAY OF LICENCE

- 11.1. Every *business licence* issued pursuant to this Bylaw shall be in a form as may be prescribed by the *Licence Inspector* from time to time.
- 11.2. Every Business shall permanently display the current *business licence* in a prominent location within the Premises for which the *business licence* has been issued. Every *person* doing *business* in other than a fixed or permanent place of Business shall carry such *business licence* on their *person* and prior to the commencement of Business or solicitation shall display the *business Licence* in such manner as will allow the *business licence* to be viewed and read.

PART 12: RENEWAL OF BUSINESS LICENCE

- 12.1. Each *business* shall ensure that their *business licence* is renewed annually, whether notice is given by the Village or not, and the *business* shall pay the annual *business licence fee*.
- 12.2. Every business shall renew their *business licence* by January 31st of the current calendar year. In the event the Business fails to renew their *business licence* on or before January 31st, the Business shall pay, in addition to the annual *business licence fee* for the renewal period, a penalty as set out in Schedule 'A'.

PART 13: REFUSAL, SUSPENSION OR CANCELLATION OF A BUSINESS LICENCE

- 13.1. An application for *business licence* may be refused by the Licence Inspector in any specific case but:
- a) the application cannot be unreasonably refused; and
 - b) on request, the *Licence Inspector* must give written reasons for the refusal.
- 13.2. A *business licence* may be suspended or cancelled, by the Licence Inspector, for reasonable cause including, but not limited to, failure to comply with a term or condition of a *business licence* or failure to comply with this or any other Bylaw of the Village.
- 13.3. Before suspending or canceling a *business licence*, the Licence Inspector shall give written notice to the holder of the *business licence* indicating that the *business licence* is suspended or canceled and that the Business must cease operation within seven (7) days of the date of the written notice. The written notice shall indicate the reasons for the suspension or cancellation and provide instructions to the *business licence* holder for the removal of the suspension or cancellation of the *business licence*.
- 13.4. Written notice of intention to cancel or suspend shall be delivered by registered mail to the address of the Business and the address of the contact *person* as indicated on the *business licence* application.
- 13.5. No *person* shall carry on a *business* for which a *business licence* is required by this Bylaw during a period of suspension of such *business licence*.

PART 14: STREET, PARK, MOBILE OR TEMPORARY VENDING

- 14.1. Any *person* applying for a Street and Park Vending *business licence* shall provide a copy of any contract or agreement with the Village which authorizes them to operate the Business on a Village park, sidewalk or road, as the case may be.
- 14.2. Only one (1) Portable Food Vendor licence will be issued per parcel of land.
- 14.3. A maximum of five (5) Portable Food Vendors will be licenced in a calendar year.
- 14.4. Portable Food Vendors and Temporary Commercial Vendors shall:
- a) obtain written permission from the owner of the land, allowing the portable vending cart, trailer, vehicle, or temporary stall to be located on a property which is zoned to accommodate the intended use and provide a copy of such permission to the *Licence Inspector*;
 - b) obtain permission to use washroom facilities on the property or in adjacent premises, and provide a written statement indicating said permission;

- c) provide a garbage container at the location of the vending cart, trailer, vehicle, or temporary stall, and pick up all garbage and debris, within 100 meters of their location, which is a result of their Business operation;
- d) obtain a *business licence* for each separate location where the Business will be operated.

14.5. Mobile Stores shall:

- a) be fully self-contained with no service connection other than electrical service being required;
- b) be located other than on a highway, sidewalk, or boulevard, except in required off-street parking spaces, but not so as to interfere with or block any motor vehicle, pedestrian exit, or walkway;
- c) be kept in good repair;
- d) when in use for food vending, meet Provincial Health regulations, and the vendor shall provide written confirmation from a Provincial Health Inspector.

PART 15: TRADE CONTRACTORS

15.1. Any *person* applying for a Trade Contractor *business licence* shall provide proof of the mandatory Certification of Qualification or Apprenticeship Agreement along with their *business licence* application.

PART 16: COMMUNITY EVENTS

16.1. Community Events where vendors are present will be required to obtain a *business licence* that will cover all vendors participating in the Community Event and will also be required to obtain a minimum commercial liability policy of two (2) million dollars.

16.2. Where all vendors are *businesses* that have a current *business licence*, an additional *business licence* is not required for a Community Event.

PART 17: SPECIAL EVENTS

17.1. Unless otherwise provided herein, every *person* desirous of holding a Special Event shall obtain a *business licence* prior to holding the Special Event. This shall not apply to *Community Events*.

17.2. A *business licence* is not required for a Special Event held at Premises that holds a valid *business licence* for a Special Event and the Premises are zoned to hold Special Events.

- 17.3. A *business licence* for each vender is required. Where a *business* has a current *business licence*, an additional *business licence* is not required for a Special Event.
- 17.4. The applicant for a *business licence* for a Special Event being held shall submit, along with the *business licence* application, written authorization from the Village that the Special Event is in conformance with Special Event Bylaw.
- 17.5. All machines, rides and equipment to be used by the public at a carnival or circus must conform to the safety requirements of the Safety Standards Act and all elevating devices must have the Identification Label provided for under the *Safety Standards Act* visibly attached as required.
- 17.6. Any and all structures that are erected as part of a circus or carnival or music festival shall be inspected and certified by a structural engineer authorized to practice in British Columbia.
- 17.7. Any Business providing Special Events shall, at the request of the Licence Inspector:
- a) prior to the issuance or renewal of a *business licence*, a comprehensive liability insurance policy in the amount of five (5) million dollars shall be obtained from an insurance company licensed in the Province of British Columbia, naming the Village as an additional insured, and stating that the policy applies to each insured as if a separate policy had been issued to each; and/or
 - b) prior to the issuance or renewal of a *business licence* enter into a save and harmless agreement to protect, indemnify and save harmless the Village, its elected and appointed official and Employees from and against any and all losses, claims, damages, actions, costs and expenses that the Village may sustain, incur or suffer or be put to at any time with respect to the events or activities carried on pursuant to the Special Event described in the *business licence* or as a result of any matter, act or omission of the licensee or any agent, Employee, officer, director or subcontractor of the licensee.

PART 18: VENDING MACHINES

- 18.1. No *person* owning or occupying any Premises shall keep or permit to be kept therein or thereon any third-party Vending Machine or bank machine unless the Vending Machine Business or the bank machine Business holds a *business licence* and has paid the appropriate *business licence* fee for each Vending Machine or bank machine.

PART 19: NON-PROFIT ORGANIZATIONS

- 19.1. Registered Non-profit organizations are not required to obtain a *business licence* but will be required to register with the Village in a form prescribed by the Village.

PART 20: FARMER'S MARKETS

20.1. Farmer's Markets are required to obtain a *business licence* that will cover all vendors participating in the market and will be required to enter into a contract with the Village and will also be required to obtain a minimum commercial liability policy of two (2) million dollars.

PART 21: SHORT-TERM VACATION RENTALS

21.1. General Regulations

- a) A *short-term vacation rental business licence* is valid for one (1) dwelling unit only.
- b) A *short-term vacation rental operator* shall not advertise the *short-term vacation rental* prior to the issuance of a *business licence* for that *short-term vacation rental*.
- c) Every advertisement for a *short-term vacation rental* must disclose, in respect to the Short-Term Vacation Rental being advertised,
 - i. a valid *business licence* number;
 - ii. the maximum permitted guest occupancy of the *short-term vacation rental* pursuant to the Zoning Bylaw;
 - iii. the number and location of off-street parking spaces available to guests and a statement that such number is the maximum number of vehicles that paying guests of the *short-term vacation rental* are permitted to bring to the premises; and
 - iv. the Village of Pemberton Quiet Hours pursuant to the Noise Regulation Bylaw No. 699, 2012 as amended or replaced from time to time;
- d) The following information shall be provided in a notice visible upon entering a *short-term vacation rental* unit:
 - i. the *business licence* number for the *short-term vacation rental*;
 - ii. the maximum permitted guest occupancy of the *short-term vacation rental* pursuant to the Zoning Bylaw;
 - iii. the number and location of off-street parking spaces available to guests and a statement that such number is the maximum number of vehicles that paying guests of the *short-term vacation rental* are permitted to bring to the premises;

- iv. the Village of Pemberton Quiet Hours pursuant to the Noise Regulation Bylaw No. 699, 2012 as amended or replaced from time to time; and
 - v. the name, address, email and telephone number of the *Short-Term Vacation Rental Operator* and the contacts required under s. 21.3.1(c) of this Bylaw.
- e) For clarification, a requirement of this Bylaw pertaining to *short-term vacation rental* is an addition to other requirements contained herein that are generally applicable to businesses.

21.2. Principal Residence Requirement

- a) A *short-term vacation rental operator* must not operate a *short-term vacation rental* unless the *short-term vacation rental* is located in:
- i. the *principal residence* of the *short-term vacation rental operator*, or
 - ii. a *secondary suite* that is in a detached dwelling where the *short-term vacation rental operator* has their *principal residence*.

21.3. Short-Term Vacation Rental Application

- a) Any *person* making application for a *business licence* for a *short-term vacation rental* shall, at the time of making such application, in addition to the general requirements under this bylaw, provide;
- i. proof of ownership of the premises;
 - ii. proof of their principal residence of the property, which may include proof of homeowner grant, employer-issued pay stubs, voter registration, documentation showing you received provincial or federal government benefits, or income tax documentation, and a drivers licence or utility bill alone is insufficient proof of principal residence;
 - iii. the name, address and telephone number of one or two local contacts, other than the applicant, as an emergency contact; and
 - iv. proof of adequate parking pursuant to the Zoning Bylaw and a parking plan.
 - v. proof of insurance
- b) In considering an application for a business license for a *short-term vacation rental*, the *Licence Inspector* may consider whether a *short-term vacation rental business licence* held by the applicant has been previously cancelled.

21.4. Security Deposit

- a) Prior to the issuance of the business license for the *short-term vacation rental*, the applicant for the licence shall deposit with the Village security, in the amount of, one thousand dollars (\$1,000).
- b) The deposit shall be held by the Village as a security against any costs or expenses incurred by the Village as a result of the *short-term vacation rental*.
- c) The deposit must be provided in the form of cash, debit or cheque.
- d) Any amounts deducted from the deposit and used for the purpose for which the deposit was provided must forthwith be provided to the Village to replenish the deposit to the original amount.
- e) Any amount of the deposit not required by the Village for the purpose for which the deposit was provided shall be returned to the *person* who provided the deposit upon cancellation or termination of the business licence for the *short-term vacation rental*.

21.5. Good Neighbour Agreement

- a) All *short-term vacation rental business licence* applicants must sign a Good Neighbour Agreement, in a form approved by the *Licence Inspector*, prior to the business licence being issued.
- b) Any violation of the Good Neighbour Agreement may result in the *short-term vacation rental business licence* being cancelled.

21.6. Short-Term Vacation Rental *Business Licence* Location and Allocation Cap

- a) The number of *short-term vacation rental licences* available in a calendar year shall be limited to no more than 5% of the total number of single-family dwelling units located in each neighbourhood identified in the table below and shown on the map attached as Schedule 'C':

Neighbourhood
Aspen Fields
Benchlands
The Glen
Pemberton Plateau
The Ridge
Town Centre
Sunstone Ridge

- b) If an application for a license cannot be allowed due to s. 21.6.a of this Bylaw, the application will be placed on a waiting list.

- c) The applications on the waitlist referred to in s. 21.6. (b) of this Bylaw will be considered if s. 21.6 (a) of this Bylaw allows for the application to proceed and in chronological order of when the applications were placed on the wait list.

PART 22: PENALTIES

- 22.1. Except as otherwise provided in this Bylaw, any *person* who violates any of the provisions of this Bylaw or which suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or preform any duty or obligations imposed by this Bylaw commits an offence and is liable on summary conviction to a fine of not more than \$10,000.
- 22.2. Every *person* who commits an offence of a continuing nature is liable to a fine not exceeding \$250 each day such offence is continued.
- 22.3. In addition to any other penalty, the Licence Inspector or *Bylaw Enforcement Officer* may issue Ticket Information(s) upon a *person* or a *business* for a violation of this Bylaw as set out in Schedule 'B'.

PART 23: BYLAW ENFORCEMENT

- 23.1. The *Licence Inspector*, their designate from time to time or a *Bylaw Enforcement Officer* may enforce the provisions of this Bylaw.

PART 24: DUTY OF CARE

- 24.1. This Bylaw does not create any duty of care whatsoever on the Village, its elected and appointed officials, Employees or agents in the respect of:
 - a) the issuance of a *Business Licence*;
 - b) inspection made by the Licence Inspector or failure to make an inspection; and/or
 - c) the enforcement of this Bylaw.

PART 25: SCHEDULES

- 25.1. The following schedule is attached to and form part of this Bylaw and are enforceable in the same manner as this bylaw:

Schedule "A" – Permit Fees

Schedule "B" - Fines

Schedule "C" - Short-Term Vacation Rental Cap/Allocation by Neighbourhood

PART 26: SEVERABILITY

26.1. If any section, subsection, sentence, clause, sub clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

PART 27: MASCULINE/SINGULAR

27.1. Whenever the masculine is used throughout this Bylaw, it shall also mean the feminine; and whenever the singular is used throughout this Bylaw, it shall also mean the plural.

PART 28: BYLAW SHALL PREVAIL

28.1. Where the provisions of this Bylaw conflict with the provisions of any other Bylaw of the Village, the Bylaw with the most stringent provision shall prevail.

PART 29: REPEAL AND SCHEDULE

29.1. The following bylaws are hereby repealed:

- Village of Pemberton Business Licence Bylaw No. 751, 2014
- Village of Pemberton Business Licence Amendment (Fine Schedule) Bylaw No. 798, 2016

29.2. Despite subsection 28.1 every order made under Business Licence Bylaw No. 751, 2014 and its amendments continue in effect.

29.3. Schedules “A”, “B” and “C” are attached to and forms part of this bylaw.

READ A FIRST TIME this ____ day of _____, 2018.

READ A SECOND TIME this ____ day of _____, 2018.

READ A THIRD TIME this ____ day of _____, 2018.

ADOPTED this _____ day of _____, 2018.

Mayor

Corporate Officer

SCHEDULE 'A'

Business Licence Fees:

Community Event	\$150.00
Farmer's Market	\$300.00
Portable Food Vendor & Temporary Commercial Vendor	\$300.00
Resident & Non – Resident Fee	\$150.00
Short-Term Vacation Rental	\$300.00
Special Event	\$100.00

Transfer and Change Fees

Administration Fee	\$ 25.00
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Business Licence Renewal Penalty

Late Business Licence Renewals will be subject to a 100% penalty

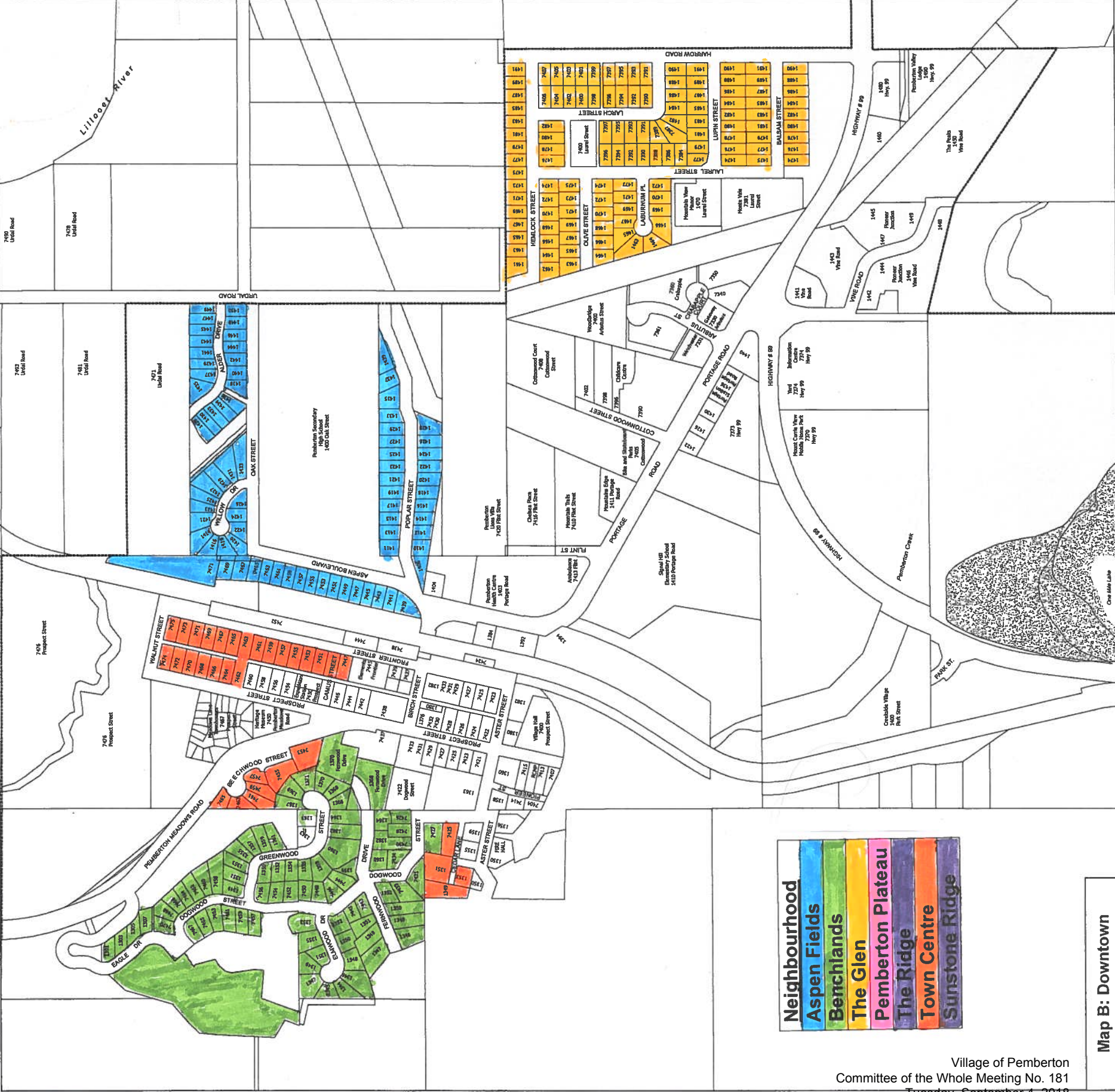
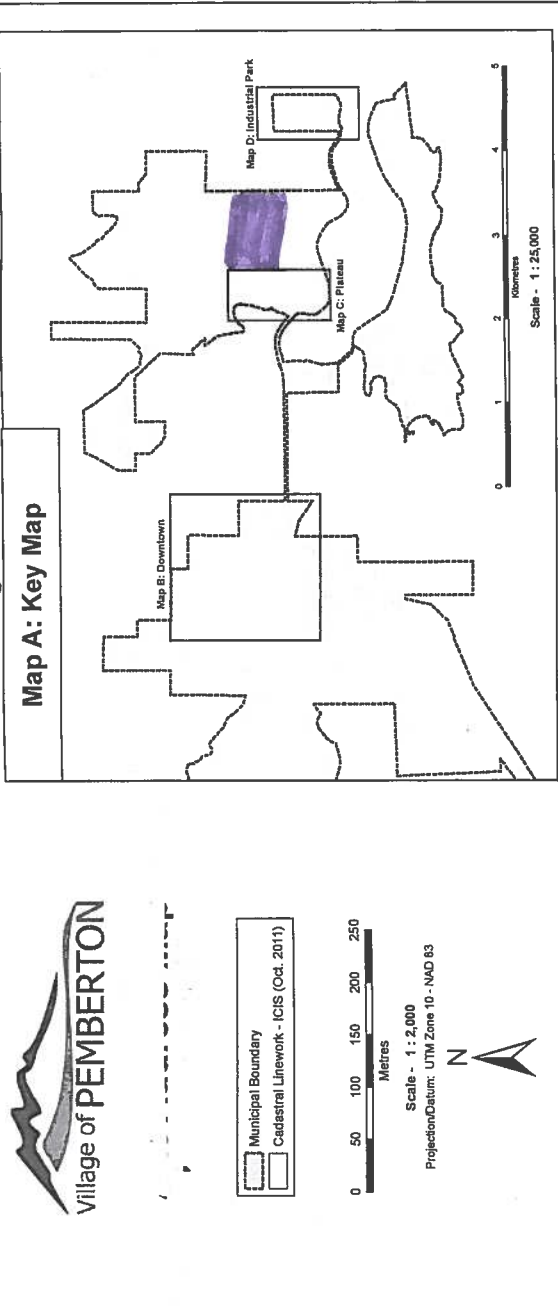
DRAFT for Committee of the Whole

SCHEDULE 'B'

FINES

6.2 -	Resident Business without Business Licence:	
	1 st Offence	\$ 75.00
	2 nd Offence (1 week after 1 st offence)	\$150.00
	3 rd Offence (1 week after 2 nd offence)	\$300.00
	Subsequent Offences	\$450.00
6.3 -	Non-Resident Business without Business Licence:	
	1 st Offence	\$ 75.00
	2 nd Offence (1 week after 1 st offence)	\$150.00
	3 rd Offence (1 week after 2 nd offence)	\$300.00
	Subsequent Offences	\$450.00
7.1 -	Failure to Provide Access	\$150.00
11.2 -	Failure to Display Valid Licence:	
	1 st Offence	\$ 75.00
	2 nd Offence (1 week after 1 st offence)	\$150.00
	3 rd Offence (1 week after 2 nd offence)	\$300.00
	Subsequent Offences	\$450.00
13.5 -	Carrying on Business while Suspended:	
	1 st Offence	\$150.00
	2 nd Offence (1 week after 1 st offence)	\$300.00
	3 rd Offence (1 week after 2 nd offence)	\$450.00
14.4 (d) -	Mobile Vendor without Business Licence	
	1 st Offence	\$300.00
	2 nd and Subsequent Offences	\$450.00
21.1(b) -	Short-Term Vacation Rental Advertising without a Business Licence	\$600.00
21.1(c) -	Short-Term Vacation Rental failure to display business licence number in advertisements	\$ 75.00

Schedule "C" Short-Term Vacation Rental Cap Allocation by neighbourhood



Appendix C
Good Neighbour Agreement

WHEREAS the Village of Pemberton (“the Village”) and the Operator of the *Short-Term Vacation Rental* _____ (“the Operator”) located at _____ (“the Property”) (collectively “the Parties”) recognize that Short-Term Vacation Rental establishments have a civic responsibility, beyond the minimum requirements of the Village of Pemberton Business Licence Bylaw No. _____, 2018, to control the conduct of their patrons; and

WHEREAS the Operator wishes to demonstrate to the citizens of Pemberton its desire to be a responsible neighbour; and

WHEREAS the Parties wish to promote Pemberton as a vibrant, safe and attractive community for the enjoyment of everyone, including residents, visitors, businesses and their workers;

NOW THEREFORE the Operator agrees with the Village to enter into this Good Neighbour Agreement, the terms of which follow:

General

1. The Operator will ensure that information related to Village Bylaws, including but not limited to, the Noise Regulations related to quiet hours and Parking Regulations related to off-street and winter parking restrictions are posted in a prominent location within the unit.

Noise and Disorder

1. The Operator shall undertake to ensure that noise emissions from the establishment do not disturb surrounding residents, businesses and neighbourhoods;
2. The Operator shall undertake to monitor and promote the orderly conduct of guests and, in cases where the Operator is unable to ensure such orderly conduct, shall contact the RCMP to request assistance as may be required.

Parking

1. The Operator shall provide off-street parking for the use of guests and shall ensure that guests do not use street parking.

Response to Complaints

1. The Operator shall provide to guests contact details for the Operator or a designated Local Contact who will be able to respond to telephone inquiries from guests within fifteen minutes, 24/7.

2. The Operator or his or her designated Local Contact shall respond within one hour to any complaints received from the RCMP, the Village, or area residents.

Enforcement

1. Obtaining a Short-Term Vacation Rental business licence is contingent on signing this Agreement. Any failure on the part of the Operator to comply with the terms outlined herein will result in the following:
 - 1.1. The Village shall attempt to resolve the matter by requesting a meeting with the Operator.
 - 1.2. If the matter is not successfully resolved during a meeting, the Village may suspend or cancel the Operator's Short-Term Vacation Rental business licence.
2. Nothing contained or implied in this Good Neighbour Agreement shall prejudice or affect the Village's rights and authorities in the exercise of its functions pursuant to the *Community Charter* and the *Local Government Act*, as amended, and the rights and powers of the Village and the RCMP under provincial and federal statutes and regulations, and Village bylaws.

Signed this _____ day of _____, 201____, in Pemberton, British Columbia.

Name of Operator

Signature of Operator

Manager of Corporate
& Legislative Services