

**VILLAGE OF PEMBERTON
-REGULAR COUNCIL MEETING AGENDA-**

Agenda for the **Regular Meeting** of Council of the Village of Pemberton to be held Tuesday, October 2, 2018 at 5:30 p.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1477.

“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. RISE WITH REPORT FROM IN CAMERA (CLOSED)	
4. ADOPTION OF MINUTES	6
a) Regular Council Meeting No. 1476, Tuesday, September 4, 2018.	
Recommendation: THAT the minutes of Regular Council Meeting No. 1476, held Tuesday, September 4, 2018, be adopted as circulated.	
5. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING	
6. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE	
7. COMMITTEE MINUTES - FOR INFORMATION	
8. DELEGATIONS	
a) Melissa Caldwell, BC Emergency Health Services, Community Paramedicine Service Update	
9. REPORTS	
a) Office of the Chief Administrative Officer	
i. Verbal Update	
(a) Funding for New Sea to Sky Regional Transit System	16
Recommendation: THAT Council provide direction.	
(b) Pemberton Area Economic Development Collaborative Meeting Update	18
Recommendation: THAT the Pemberton Area Economic Development Collaborative Meeting Notes be received.	

ii. Rural Dividend Fund Application Assumption by Village of Pemberton 23

Recommendation: THAT the Village assumes the lead applicant role for the Pemberton Area Economic Development Collaborative grant application, in the amount of \$100,000, from the Rural Dividend Fund;

AND THAT Staff prepare correspondence to the Pemberton & District Chamber of Commerce and the Rural Dividend Fund Project advising that the Village agrees to assume the lead applicant role for the Pemberton Area Economic Development Collaborative's application to the Rural Dividend Fund.

iii. Winds of Change Steering Committee - Dissolution 26

Recommendation One: THAT the Winds of Change Steering Committee formally be dissolved.

Recommendation Two: THAT \$4,000 be allocated from the 2019 Budget for the Wellness Almanac;

AND THAT \$500 be allocated from the 2019 Budget for the Wellness Bursary.

b) Operations & Development Services

i. Cross Connection Control Program Guide 30

The Cross Connection Control Program Guide will be provided under separate cover.

Recommendation: THAT the Cross Connection Control Program Guide be endorsed.

ii. Recreational Cannabis Retail Sales – Amended Draft Policy 60

The Recreational Cannabis Retail Sales – Amended Draft Policy will be provided under separate cover.

Recommendation: THAT Council adopt the Village of Pemberton Non-Medical (Recreational) Cannabis Retail Policy as presented;

iii. Liquor Licence Change Request – Town Square Restaurant 98

Recommendation: THAT Council recommends the issuance of an amended liquor licence for the following reasons:

- The Town Square is an established local business that draws business into Pemberton's town centre; and
- The proposed amendments to its liquor licence will allow the Town Square the ability to feature patron participation, live music and cater to special events.

AND THAT Council provides the following comments on the prescribed considerations:

- (a) The location of the establishment is 7439 Frontier Street.
This location is within the Village's Town Centre Commercial (C-1) Zone.

- (b) The proximity of the establishment to other social or recreational facilities and public buildings.
The Pemberton Community Barn is located immediately across from the establishment and will not be negatively affected by the liquor licence amendment.
- (c) The person capacity and hours of the liquor service of the establishment.
The person capacity of the Town Square Restaurant is 92. As addressed above, the type of liquor licence and hours of operation will be extended to 9 am to 1:00am to allow patron participation and special events to occur later in the evening.
- (d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location.
Town Square is located in Pemberton's town centre within close proximity to two other establishments that feature live entertainment and extended hours of liquor service. The C-1 Town Centre Commercial Zone is appropriately zoned to allow a concentration of entertainment venues, such as eating and drinking establishments, in this area.
- (e) The impact of noise on the community in the immediate vicinity of the establishment.
The Village will review the Noise Bylaw with the business owners and work in coordination to limit noise disturbances.
- (f) The impact on the community if the application is approved.
Overall, there is a positive perceived value to the community by approving this liquor licence amendment.

AND THAT the views of nearby residents were sought by advertising in the Pique Newsmagazine and that the Village received two (2) responses; one expressing concern with live music on the patio, which the Village will address, and one opposing the change altogether.

iv. Liquor Licence Change Request – Pemberton Brewing Company Ltd.

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Recommendation: THAT Council recommends the issuance of the lounge licence for the following reasons:

- The Pemberton Brewing Company is an established local business that helps diversify Pemberton's economy; and
- The proposed liquor licence will give Pemberton Brewing Company the ability to thrive in its current location and the flexibility to host special events.

AND THAT Council provides the following comments on the prescribed considerations:

- (a) The location of the establishment is 1936 Stonecutter Place.
The property is located in the Village's Industrial Park and the use is permitted under the Industrial (M-1) Zone as per the Village's Zoning Bylaw No. 832, 2018.
- (b) The proximity of the establishment to other social or recreational facilities and public buildings.
There are no recreational facilities of public buildings in the area.
- (c) The person capacity and hours of liquor service of the establishment.

This establishment has been in operation as a tasting lounge for several months at this location, no issues are anticipated due to these changes.

- (d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location.
Pemberton Brewing Company would be the only licensed establishment in the area.
- (e) The impact of noise on the community in the immediate vicinity of the establishment.
Due to the industrial nature of the area, and limited nearby residential uses, no impacts related to noise are foreseen.
- (f) The impact on the community if the application is approved.
Given the location, limited residential uses and the fact that the Village did not receive any comments after advertising the changes, there are no perceived impacts on the community.

AND THAT the views of the residents were sought by advertising the change in the Pique Newsmagazine and that no views were presented.

c) Mayor

d) Councillors

10. BYLAWS

a) Bylaws for Adoption

- i. **Village of Pemberton Public Nuisance Abatement Bylaw No 838, 2018** 127

Recommendation: THAT Village of Pemberton Public Nuisance Abatement Bylaw No. 838, 2018, receive Fourth and Final Reading.

- ii. **Village of Pemberton Animal Control Bylaw No 839, 2018** 132

Recommendation: THAT Village of Pemberton Animal Control Bylaw No. 839, 2018 receive Fourth and Final Reading.

- iii. **Village of Pemberton Parking and Traffic Control Bylaw No. 840, 2018** 153

Recommendation: THAT Village of Pemberton Parking and Traffic Control Bylaw No. 840, 2018 receive Fourth and Final Reading.

c) Bylaws for First and Second Readings

- i. **Village of Pemberton Zoning Amendment (Recreational Cannabis Permitted Use) Bylaw No. 847, 2018** 171

Recommendation: THAT Zoning Bylaw No. 832, 2018, Amendment (Retail Cannabis) Bylaw No. 847, 2018 be given First and Second Reading;

AND THAT staff arrange for a Public Hearing on for Zoning Bylaw No. 832, 2018, Amendment (Retail Cannabis) Bylaw No. 847, 2018 for Tuesday October 16 at 7:00pm.

d) Bylaws for First, Second and Third Readings

- i. Village of Pemberton Business Licence Bylaw No. 842, 2018** 173

Recommendation: THAT Village of Pemberton Business Licence Bylaw No. 842, 2018 receive First, Second and Third Readings.

- ii. Village of Pemberton Smoking Regulation Bylaw No. 843, 2018** 198

Recommendation: THAT Village of Pemberton Smoking Regulation Bylaw No. 843, 2018 receive First, Second and Third Readings.

- iii. Village of Pemberton Cross Connection Control Bylaw No. 844, 2018** 212

Recommendation: THAT Village of Pemberton Cross Connection Control Bylaw No. 844, 2018 receive First, Second and Third Readings.

- iv. Village of Pemberton Municipal Ticketing Information Utilization Bylaw No. 845, 2018** 222

Recommendation: THAT Village of Pemberton Municipal Ticketing Information Utilization Bylaw No. 845, 2018 receive First, Second and Third Readings.

- v. Village of Pemberton Permissive Tax Exemption (Pemberton & District Search & Rescue) Bylaw No. 846, 2018** 247

Recommendation: THAT Village of Pemberton Permissive Tax Exemption (Pemberton & District Search & Rescue) Bylaw No. 846, 2018 receive First, Second and Third Readings.

11. CORRESPONDENCE

a) For Action

There was no correspondence for action.

b) For Information

There was no correspondence for information.

12. DECISION ON LATE BUSINESS

13. LATE BUSINESS

14. NOTICE OF MOTION

15. QUESTION PERIOD

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16. ADJOURNMENT

**VILLAGE OF PEMBERTON
-REGULAR COUNCIL MEETING MINUTES-**

Minutes of the Regular Meeting of Council of the Village of Pemberton held on Tuesday, September 4, 2018 at 5:30 p.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1476.

IN ATTENDANCE: Mayor Mike Richman
Councillor Ted Craddock
Councillor Jennie Helmer
Councillor Karen Ross

Attending by Phone: Councillor James Linklater

STAFF IN ATTENDANCE: Nikki Gilmore, Chief Administrative Officer
Sheena Fraser, Manager of Corporate & Legislative Services
Lena Martin, Manager of Finance & Administration
Lisa Pedrini, Senior Planner
Cameron Chalmers, Planning Consultant
Wendy Olsson, Executive Assistant
Jill Brooksbank, Senior Communications & Grant Coordinator
Anne Burt, Bylaw Enforcement Officer
Gwendolyn Kennedy, Legislative Assistant

Public: 5

1. CALL TO ORDER

At 5:32 p.m. Mayor Richman called the 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 amended so that agenda item 9 (b) (iii) is followed by item 9 (c) and appear both before item 9 (a).

CARRIED

3. RISE WITH REPORT FROM IN CAMERA (CLOSED)

4. ADOPTION OF MINUTES

a) Regular Council Meeting No. 1475, Tuesday, July 24, 2018

Moved/Seconded

THAT the minutes of Regular Council Meeting No. 1475 held Tuesday, July 24, 2018, be adopted as circulated.

CARRIED

5. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING

There was no business arising.

6. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE MEETING

Recommendations from Committee of the Whole Meeting No. 181 held earlier in the day:

Cannabis Retail Sales Draft Policy:

Moved/Seconded

THAT the Committee of the Whole recommend to Council that the Draft Cannabis Retail Policy be supported, subject to the removal of the distancing requirements from public spaces and other cannabis retail businesses; the addition of limiting cannabis retail to the C-1 Zone with a cap of two; the addition of an assessment fee of no less than \$500; amendment to the permitted hours of operation to align with provincial legislation; and the amendment of the Business Licence fee to no less than \$1,500 annually;

CARRIED

OPPOSED: COUNCILLOR HELMER

Moved/Seconded

THAT once amended, the Draft Cannabis Retail Policy be referred to the public and the following stakeholders for review and comment by the end of September: RCMP, Vancouver Coastal Health, Pemberton Medical Clinic, Sea to Sky Community Services, the Lil'wat Nation, Squamish-Lillooet Regional District, Pemberton and District Chamber of Commerce, Tourism Pemberton, Schools and School District #48.

CARRIED

Zoning Bylaw Amendment:

Moved/Seconded

THAT the Zoning Bylaw No. 832, 2018 be amended to remove the prohibition and allow cannabis retail in the C-1 Zone.

CARRIED

OPPOSED: COUNCILLOR HELMER

Draft Business Licence Bylaw:

Moved/Seconded

THAT the draft Business Licence Bylaw be brought forward to Council for consideration of readings with the following amendment:

- removal of Section 21.4, Deposit Requirement for Short-Term Vacation Rental Business Licence

CARRIED

7. COMMITTEE MINUTES – FOR INFORMATION

There were no minutes to be received.

8. DELEGATIONS

There were no delegations to be received.

9. REPORTS

a) Corporate & Legislative Services

i. Community Enhancement Fund request – Pemberton Barn Dance Sponsorship

Moved/Seconded

THAT a contribution, in the amount of \$1,500, from the Community Enhancement Fund in the form of a Platinum Sponsorship for the Pemberton Barn Dance be approved.

CARRIED

b) Finance

i. 2018 Second Quarter Financial Statements

Moved/Seconded

THAT the 2018 Second Quarter Financial Statements be received for information.

CARRIED

c) Office of the Chief Administrative Officer

i. Verbal Report

(a) Boundary Extension Follow-Up Update

Chief Administrative Officer Gilmore provided a brief update on the boundary extension project, noting that she had reached out the Rutherford Creek Power Project and to two property owners who had expressed interest in having their properties become part of the Village prior to the boundary extension process. CAO Gilmore noted that it would be up to the property owners to petition the Village to come into the boundary and the Village would have to receive approval of the electorate through an Alternative Approval Process

ii. **Nukw7ántwaí Intergovernmental Relations Committee Terms of Reference and Orange Shirt Day Proclamation**

Moved/Seconded

THAT the Nukw7ántwaí Intergovernmental Relations Committee Terms of Reference be approved as presented.

CARRIED

Moved/Seconded

THAT September 30th be proclaimed Orange Shirt Day in the Village of Pemberton.

AND THAT should September 30th fall on a weekend, the day will be commemorated on the Friday before September 30th.

CARRIED

Mayor Richman read the following proclamation:

WHEREAS the Truth and Reconciliation summary report calls for a national day to honour residential school survivors, their families and communities, and ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process, and;

WHEREAS the orange shirt has become a symbol of remembrance for residential school survivors;

NOW THEREFORE on behalf of Council, I, Mike Richman, Mayor of the Village of Pemberton, do hereby proclaim September 30th as "Orange Shirt Day" in the Village of Pemberton.

Moved/Seconded

THAT \$200 be allocated from the Community Enhancement Fund to secure a professional photographer for the Orange Shirt Day group photo.

CARRIED

iii. **UBCM Ministers Meeting Requests**

Staff requested clarification as to which meetings Councillors would attend at UBCM.

d) Corporate & Legislative Services

i. Single-Use Items Reduction Strategies

Moved/Seconded

THAT Staff implement a public engagement process to gather input from residents and business owners respecting single-use item reduction strategies and present the information at a future Committee of the Whole meeting.

CARRIED

ii. Bylaw Notice Enforcement Bylaw

Moved/Seconded

THAT Staff be directed to pursue development of a Bylaw Notice Dispute Adjudication System for the Village of Pemberton.

CARRIED

Moved/Seconded

THAT the following resolution be rescinded:

***THAT** Council direct Staff to pursue development of a Bylaw Notice Dispute Adjudication System for the Village of Pemberton.*

CARRIED

Moved/Seconded

THAT Staff be directed to formally request the Minister of the Attorney General to enact a regulation to make the *Local Government Bylaw Notice Enforcement Act* applicable to the Village of Pemberton.

CARRIED

Moved/Seconded

THAT Staff be directed to prepare a Bylaw Notice Enforcement Bylaw, Screening Officer Policy and amendments to existing bylaws as necessary to implement a bylaw adjudication system.

CARRIED

e) Operations & Development Services

i. 2017 Annual Drinking Water Update

Moved/Seconded

THAT the 2017 Annual Drinking Water Report be received.

CARRIED

f) Mayor

Mayor Richman reported on the following:

- Welcomed Council back from summer break.
- Attended Squamish-Lillooet Regional District board meeting on August 29th:
 - Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017 received third reading.
 - The evacuation alert for the D'Arcy area has been lifted.
- Extended thanks to the BC Wildfire fire fighters who have had a long, hard summer.
- Recent press coverage of the Joffre Lakes concerns may help direct attention to this issue at the upcoming UBCM convention.
- Noted that there has been significant growth in tourism leading to an increase in traffic, making the need for infrastructure planning with the Ministry of Transportation and Infrastructure even more pressing.
- Excited to see that construction is underway for the new soccer field and the Friendship Trail and Bridge.
- Pemberton Fire Rescue is recruiting new paid on-call firefighters.
- Nomination period opens today for the 2018 Local Government Election.
- Noted that school is back in session and reminded drivers to exercise care in school zones.
- Council will be attending UBCM Convention in Whistler next week.
- Welcomed Chelsea Roberts, new GIS/Planning Technician for the Village.

Mayor Richman noted the following upcoming events and mentioned that events like these make Pemberton the vibrant community that it is:

- September 16th – Mackenzie Cruise (PORCA fundraising event) at the Barn
- September 22nd – Pemberton Lions/Rotary Barn Dance
- September 8th – Pemberton Museum Corn Roast

g) Councillors

Councillor Craddock

Councillor Craddock reported on the following:

- The Slow Food Cycle was a success. The new, shorter course suits families with young children.
- Attended the Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1549-2017 Public Hearing.
- Attended the Pemberton Valley Dyking District board meeting.

Councillor Linklater

Councillor Linklater did not report.

Councillor Helmer

Councillor Helmer did not report.

Councillor Ross

Councillor Ross did not report.

10. BYLAWS

a) First, Second and Third Readings

i. Village of Pemberton Public Nuisance Abatement Bylaw No. 838, 2018

Moved/Seconded

THAT Village of Pemberton Public Nuisance Abatement Bylaw No. 838, 2018 receive First, Second and Third Readings.

CARRIED

ii. Village of Pemberton Animal Control Bylaw No. 839, 2018

Moved/Seconded

THAT Village of Pemberton Animal Control Bylaw No. 839, 2018, as amended to include the addition of a fee for subsequent inspections to Schedule "A", receive First, Second and Third Readings.

CARRIED

iii. Village of Pemberton Parking and Traffic Control Bylaw No. 840, 2018

Moved/Seconded

THAT Village of Pemberton Parking and Traffic Control Bylaw No. 840, 2018 receive First, Second and Third Readings.

CARRIED

iv. Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (RTA-1, RTA-2 and CD-5) Bylaw No. 841, 2018

Moved/Seconded

THAT Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (RTA-1, RTA-2 and CD-5 Zones) Bylaw No. 841, 2018 receive First and Second Readings.

CARRIED

Moved/Seconded

THAT Council notifies the public of its intention to waive the Public Hearing as per the *Local Government Act*.

CARRIED

11. CORRESPONDENCE

a) For Action

- i. **Lisa Trotter, Senior Regional Transit Manager, BC Transit, dated July 27, 2018, presenting a Memorandum of Understanding with respect to funding of 3 Year Expansion Initiatives.**

Chief Administrative Officer Gilmore provided background on the Memorandum of Understanding and clarified that the Village would not be taking on any financial risk by signing it. Gilmore noted that signing the Memorandum of Understanding would not impact the Village's ability to participate in the proposed regional transit initiative.

Moved/Seconded

THAT Council agree to the three year expansion initiatives as set out in the Memorandum of Understanding correspondence dated July 27 2018;

AND THAT the Chief Administrative Officer be authorized to sign the Expansion Memorandum of Understanding on behalf of the Village.

CARRIED

b) For Information

- i. **Paul Colburn, dated July 25, 2018, regarding the Lillooet River Bridge.**

Moved/Seconded

THAT correspondence be sent in response to the letter from Mr. Colburn

CARRIED

- ii. **Todd G. Stone, MLA and Official Opposition Critic for Municipal Affairs, dated August 13, 2018, extending an invitation to Mayor and Council to attend three roundtable discussions to be held September 13th and the Official Opposition Breakfast to be held September 14th at the upcoming UBCM Convention in Whistler.**
- iii. **Deborah Bowman, Assistant Deputy Minister, Transportation Policy and Programs Department, dated August 15, 2018, regarding the Village of Pemberton's endorsement of the Communities on the Move declaration.**

- iv. **Tara Faganello, Assistant Deputy Minister, Local Government Division, Ministry of Municipal Affairs and Housing, and Gary MacIsaac, Executive Director, Union of British Columbia Municipalities, representing the Green Communities Committee, dated August 15, 2018, congratulating the Village of Pemberton on successfully achieving the goal of corporate carbon neutrality for the 2017 reporting year.**

- v. **Mayor Jensen, District of Oak Bay, dated August 31, 2018, asking for support of District of Oak Bay's UBCM resolution regarding collection of a Local Government Vacancy Levy.**

Moved/Seconded

THAT the above correspondence be received for information.

CARRIED

12. DECISION ON LATE BUSINESS

Moved/Seconded

THAT an update on the Downtown Enhancement Project be added to Late Business.

CARRIED

13. LATE BUSINESS

a) Downtown Enhancement Project - Update

Chief Administrative Officer Gilmore provided an update of the Downtown Enhancement Project, noting that the project will go to tender by the end of this week or early next week, and that a report will be prepared for the October 16th In Camera meeting in anticipation of Council awarding the contract.

CAO Gilmore clarified that the proposal to consider establishing a parking lot at Fougberg Park is not part of the Downtown Enhancement Plan.

CAO Gilmore reported that planned communications elements include an information booth at two Farmers' Markets, and, once details of the construction schedule are available, one-on-one meetings and a group meeting with affected business owners will be held along with an information session for the public. It is anticipated that construction will begin in March or April 2019.

14. NOTICE OF MOTION

There was no notice of motion.

15. QUESTION PERIOD

Paul Vacirca, Pemberton Valley Hardware, asked several questions regarding the Downtown Enhancement Project.

Mark Mendonca, Chamber of Commerce, asked questions regarding the Downtown Enhancement Project and regarding strategies for the reduction of single-use items.

16. AJOURNMENT

Moved/Seconded

THAT the Regular Council Meeting be adjourned at 7:54 p.m.

CARRIED

Mike Richman
Mayor

Sheena Fraser
Corporate Officer



Box 219, 1350 Aster Street
Pemberton, BC V0N 2L0
P. 604-894-6371 TF. 800-298-7753
F. 604-894-6526
info@slrd.bc.ca www.slrd.bc.ca

September 27, 2018

BY EMAIL ONLY (RArthurs@squamish.ca)

District of Squamish Mayor and Council
37955 Second Avenue
Squamish, BC
V8B 0A3

BY EMAIL ONLY (bbrowning@whistler.ca)

Resort Municipality of Whistler Mayor and Council
4325 Blackcomb Way
Whistler, BC
V8E 0X5

BY EMAIL ONLY (sfraser@pemberton.ca)

Village of Pemberton Mayor and Council
Box 100
Pemberton, BC
V0N 2L0

Dear Mayors and Councils:

RE: Funding for New Sea to Sky Regional Transit System

At the Squamish-Lillooet Regional District (SLRD) Board meeting on September 26, 2018, the SLRD Board passed the following resolution:

THAT the Squamish-Lillooet Regional District ("SLRD") supports a Regional Transit System for the Sea-to-Sky Corridor and the implementation of a motor fuel tax in the Sea-to-Sky corridor in order to assist with the funding of a Regional Transit system. The Board directs staff to write a letter to the Minister of Transportation and Infrastructure Claire Trevena and Minister of Finance Carole James requesting that the Province implement this tax on the effective date of a Sea-to-Sky Regional Transit System. The Sea-to-Sky communities are supportive of a Commission Model of Governance for the Regional Transit System in accordance with a Memorandum of Understanding between the Lil'wat Nation, Squamish Nation, District of Squamish, Resort Municipality of Whistler, Village of Pemberton and SLRD.

THAT the aforementioned letter be sent only upon the receipt of agreement to this resolution from the District of Squamish, Resort Municipality of Whistler and the Village of Pemberton.

Please add this to your meeting agenda for your respective October 2, 2018 Council meetings.

Regards,



Kristen Clark
Director of Legislative and Corporate Services
(604) 894-6371 ext. 230
kclark@slrd.bc.ca

Pemberton Area Economic Development Collaboration Meeting Notes

July 4, 2018 – 9:30am, Lil'wat Nation Council Chambers

Chair: Graham Turner **Notes:** Jeannette Nadon/Jill Brooksbank

In attendance:

Jill Brooksbank, Senior Communications and Grants Coordinator, Village of Pemberton

Russell Mack, Director, SLRD Electoral Area C

Mark Mendonca, President, Tourism Pemberton

Jeannette Nadon, Communications and Engagement Manager, SLRD

Lucinda Phillips, Administrator, N'Quatqua

Graham Turner, President, Pemberton & District Chamber of Commerce

Karen Ross, Councillor, Village of Pemberton

Wendy Koh, Regional Manager, Regional Economic Operations, Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Darby Cameron, Senior Policy Analyst, Small Business Branch, Ministry of Jobs, Trade and Technology

Regrets:

Sheldon Dowswell, Administrator, Lower Stl'at'imx Tribal Council

Kerry Mehaffey, Director of Business and Economic Development, Lil'wat Nation

Agenda:

1. Introductions

2. Review last Meeting Minutes

3. Quarterly Updates

- Councillor Ross & Jill Brooksbank - Village of Pemberton
 - Council passed Second Reading of new Zoning Bylaw 832, 2018. Public Hearing was held on June 26th. Following feedback at Public Hearing, staff were directed to make changes with respect to adding back site-specific zoning for two downtown businesses. The Bylaw will be receiving Third Reading at the next Council meeting on July 10th.
 - Downtown Businesses Workshop for the Downtown Enhancement Project has been postponed to a later date
 - Council decided to not proceed any further with Boundary Extension. The exploration of Boundary Extension has been a Council priority for several years. The decision to not proceed was due to MOTI's decision not to upgrade roads, in addition to the tax implications of those properties that would be incorporated.
 - Downtown Enhancement Project 50% design is close to completion. The Village hopes to issue the tender documents in early Fall for the construction with hopes of starting the project in the Spring of 2019.

- The Village of Pemberton and Líl'wat Nation are working towards a partnership for the creation of a joint community forest.
 - Street banners and hydro box wrap project will be taking place this summer/fall. A committee has been formed to select the artwork. Aiming for completion in 2018.
 - Discussion took place with respect to the Downtown Enhancement Project, specifically parking. Village representatives shared info regarding the Gas Tax Funding criteria and how that was incorporated into the scope of the project. Councillor Ross stressed the importance of striking a balance of a functional downtown while meeting the needs of residents, businesses and tourists. Jill will circulate Downtown Enhancement Concepts/info to Collaborative.
- Jeannette Nadon/Director Mack
 - A Community Information Meeting was held on April 11 regarding SLRD Electoral Area C Zoning Amendment Bylaw No. 1549-2017, which is a zoning bylaw focused on agricultural regulations on ALR (Agricultural Land Reserve) land in Area C. A report went to the SLRD Board in June summarizing the questions and comments from the meeting, and is available on the SLRD website. The Board has now directed staff to hold two additional community meetings which will be held on July 11 at the Community Centre – one from 3 – 4 pm and one from 6 – 8 pm.
 - The Pemberton and Area C Recreational Trails Master Plan Update is expected this summer.
 - An RFP was issued for the construction of the Friendship Trail. The RFP closes on July 3. Construction will be done in phases and is expected to begin soon. It's hoped that the project will be completed this fall.
 - The REC Youth and Seniors Centre renovation is complete. Exterior work including new siding, steel roof, fresh paint and updated signage was completed in 2017. The interior work was completed in 2018 and includes new flooring, fresh paint, new furnishings, table tennis and an entertainment centre.
 - Construction of the third and final phase of the Children's Nature Play Park will take place this summer and will include a Parkour-style climbing structure, a "Multi-Goal" and a supernova ring. The cost is \$100,000, with \$51,000 coming from the WB Foundation and the remainder will be allocated from the 2018 Recreation Services budget.
 - The SLRD issued an RFP for the design and construction of a picnic shelter at Gates Lake Park. Funding is coming from SLRD Area C Amenity Funds and the project will be completed in 2018.
 - The SLRD intends to submit an application to the Rural Dividend Program to undertake a Grade Crossing Safety Assessment for the rail crossing at Gates Lake Park.

- The SLRD and the Village have agreed to bring the proposed soccer field near the Pemberton Plateau neighbourhood into the Pemberton and Area C Recreation Service.
 - The SLRD and the Village have agreed to pursue a transfer of the management of the Recreation Service from the SLRD to the Village. Staff are in the process of drafting a Management Agreement to set out the terms and conditions of the transfer; a draft is expected in the fall.
 - The SLRD is planning to construct a new transfer station on a .5 acre lot in the Industrial Park, which was purchased in 2016 for that purpose. An Alternative Approval Process was recently completed to secure the approval of electors to proceed with the necessary borrowing, and an RFP will be issued soon.
 - The first meeting of the Nuk'w7ántwal' Intergovernmental Relations Committee was held on June 6. The Committee Terms of Reference was reviewed and refined and will now be submitted for approval to the Board / Councils of participating organizations (currently: SLRD, Village of Pemberton, Lí'wat Nation, N'Quatqua, and Samahquam). Nuk'w7ántwal' is an Ucwalmictwts phrase which means "to help each other" and the purpose of the committee is to strengthen relationships, build trust and increase understanding, with a focus on improving communication and intergovernmental coordination, information sharing, and collective advocacy. Moving forward, the committee also intends to find ways to bring community-based organizations together to build shared understanding through dialogue, learning opportunities and social events.
 - In addition to the Rural Dividend Program application for the safe rail crossing at Gates Lake, the SLRD also intends to submit two project development applications (one for an engagement process in Area A to explore housing issues, and one for a feasibility study to construct a health facility in Area D). The SLRD will also be applying under the project stream to undertake a Housing Needs Assessment for the 4 Electoral Areas.
 - The SLRD has hired a new Communications Coordinator – Patricia Westerholm; she starts on July 23.
- Lucinda Phillips – N'Quatqua
 - RFP closed for expansion on the daycare, construction to start this month.
 - Upgrades will also be taking place to the hatchery to include sockeye. N'Quatqua to explore partnering with BC Hydro.
 - Canoe/Paddleboard Rentals not quite ready yet (Jill to send Paddle Barn contact to Lucinda)
 - Looking to find a suitable location for the boat washing station (convenient, visible, good water supply, drainage etc.)
- Mark Mendonca – Tourism Pemberton

- The previous weekend was a good weekend; 6 weddings in town equally 700 guests. Glass Blowing Festival had over 500 guests.
- Having continued conversations with Alistair McCrone including discussions with respect to Tenquille Lake. The Ministry is deterring people from going there due to grizzlies.
- At TP's last Board meeting, funding was identified as an issue. VoP/SLRD do provide some funding, but not adequate
- In conjunction with Slow Food Cycle, Tourism Pemberton will be hosting a long table dinner at Dreamcatcher Meadows with a horse show
- A Whitewater kayaking event will be taking place at the Rutherford in 2018.
- Geo-political concern re: USA. Americans are still travelling.
- Graham Turner – Pemberton Chamber of Commerce
 - Fielding questions/concerns regarding Village of Pemberton Zoning and Pemberton Transfer Station. Location of Transfer Station is a concern
 - The Industrial Park is a challenge as has both industrial and business uses
 - Superhost program trainer, Cindy Coughlan, will be hosting an intro to the Superhost program on July 11th
 - Business Excellence Awards will be taking place on November 24th
 - The Chamber's Industrial Park Pop-Up will be taking place July 18th, 5-7pm
 - The Visitor Centre saw 6400 visitors so far this season. 951 parties were from Europe, 604 were from BC. The sani-station has been a popular amenity. 1023 RV's have passed through the Centre
 - The Destination BC Sea to Sky Strategy draft has been circulated to the working group for review and comments

4. Mobile Business Licence Presentation- Darby from Ministry of Jobs, Trades and Technology

- Darby manages 15 agreements covering 91 communities
- Darby can provide a draft Request for Decision and draft Bylaw that can be tailored to the community
- Can assist with implementation plan and creating business case
- Disadvantages includes the requirement to share business licence info. At a minimum, the program is revenue neutral
- Graham to organize a presentation for a regional Chamber meeting to gauge the interest from the business community. Should there be interest, the Chamber will draft a letter to Local Governments.
- A potential legislative challenge; as the Community Charter does not include Regional Districts or First Nations. The Province is currently working on a 'work around and consulting with legal counsel.

5. Data Portal Presentation

- Phase 1 and Phase 2 complete
- Organizations are asked to share a link on their websites/social media channels
- Graham to share electronic version of the presentation with notes

6. Rural Dividend spring intake discussion “the big ask”

- Rural Dividend Program – Discussion took place with respect to priorities. Wendy to share link to a wayfinding strategy from the City of Merritt
- Program webinar taking place on July 31st
- Considerations should include: who is the lead applicant, what is the project, and alignment with project criteria.
- There may be an allowance to extend deadlines for Council resolutions
- There will be another intake in 2019
- Ministry of Jobs, Trade and Technology has a web portal with lots of resources including links to Economic Development Plans

7. Meeting Adjourned – for tour of the Ts’zil Learning Centre

Date: Tuesday, October 2, 2018

To: Nikki Gilmore, Chief Administrative Officer

From: Jill Brooksbank, Sr. Communications & Grants Coordinator

Subject: Assumption of the Role of Lead Applicant for the Pemberton Area Economic Development Collaborative's Application to the Rural Dividend Fund

PURPOSE

The purpose of this report is to seek direction from Council with respect to the Village assuming the role of lead applicant on the Pemberton Area Economic Development Collaborative's application to the Rural Dividend Fund. The Collaborative is seeking funding for the purposes of the development of a Community Economic Development Strategy, and a Project Manager for plan implementation.

BACKGROUND

In 2018, the Village received a request from the Pemberton & District Chamber of Commerce (the Chamber) to support an application from the Pemberton Area Economic Development Collaborative to the Rural Dividend Fund. The Village currently has one Council member (Councillor Ross) and one Staff representative (CAO Gilmore/Sr. Communications Coordinator, Jill Brooksbank) on the Collaborative.

The request sought Village support for a Chamber-led application to the Rural Dividend Fund for the purposes of the development of a Community Economic Development Strategy, and funding for a Project Manager for plan implementation. The projected project cost is \$126,001 with funding partners contributing the required 20% matching funds.

In response to the request, Council made the following resolutions at the July 10, 2018 Regular Council Meeting:

Moved/Seconded

THAT funding, up to an amount of \$6,250, be allocated from the 2018 Community Initiative and Opportunity Fund, for matching funds to support the Pemberton & District Chamber of Commerce application for funding, in the amount of \$125,000, through the Rural Dividend Program - Community and Economic Development funding stream;

AND THAT the funding support be contingent on removing the wayfinding and related infrastructure costs from the project proposal.

CARRIED

Moved/Seconded

THAT a letter of support from the Village of Pemberton be provided to the Chamber of Commerce for the Rural Dividend Program – Community and Economic Development Fund application.

CARRIED

Moved/Seconded

THAT correspondence be sent to the Collaborative requesting an outline of how the Collaborative will report back to Council and how the Village and other Stakeholders will be able to inform the Economic Development Strategy development.

CARRIED

The Squamish-Lillooet Regional District has also confirmed matching funding in the amount of \$6,250 in cash, and \$6,250 in-kind. The remaining matching funds of \$1,001 would come from the Pemberton & District Chamber of Commerce.

Following the submission of the application, the Chamber received notice from the Program Manager of the Rural Dividend Fund that lead applicants within the 'Single Applicant' funding stream are required to provide audited financial statements. As the Chamber holds non-profit status, they are not required to have yearly audited financial statements. Further, an audit of their financial statements would be cost-prohibitive.

Therefore, the Chamber has requested that the Village assume the lead role for the Rural Dividend Fund application.

DISCUSSION & COMMENTS

The Village has consulted with the Program Manager at the Rural Dividend Fund, and they have indicated that should the Village assume the lead application, it would not affect future Village of Pemberton applications.

Should Council support the Village being the lead applicant, the Pemberton & District Chamber of Commerce would still oversee the Plan development with guidance and input from the Pemberton Area Economic Development Collaborative.

Should Council choose not to assume the lead applicant role, the Chamber is required to withdraw their application to the Rural Dividend Fund.

COMMUNICATIONS

There are no communications considerations at this time.

LEGAL CONSIDERATIONS

Should the Village assume the lead applicant role for the Pemberton Area Economic Development Collaborative's application, the Village will be required to enter into a funding agreement with the Province of British Columbia. The Village will be responsible to the Province for reporting and accounting for this project.

The Chamber has signed a funding agreement with the Village which establishes the Chamber responsibilities and in which the Chamber further commits to providing information in a timely matter so the Village is able to meet funder deadlines.

IMPACT ON BUDGET & STAFFING

Should the Rural Dividend application be approved, the Village's Finance Department will be responsible for accounts receivable and accounts payable for this project. The Sr. Communications & Grants Coordinator will be responsible for being the liaison with the Chamber on the project, ensuring the funder deadlines are met. These tasks can be accommodated into the day-to-day workloads of the Finance & Administration Department and the Office of the CAO.

INTERDEPARTMENTAL IMPACT & APPROVAL

The above noted project will be incorporated into the daily routine of the Finance & Administration Department and can be accommodated.

Interdepartmental Approval by:	Lena Martin
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IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

Consideration of this request has no impact on other jurisdictions.

ALTERNATIVE OPTIONS

There are no alternative options provided for consideration.

POTENTIAL GOVERNANCE CONSIDERATIONS

This initiative aligns with *Strategic Priority One: Economic Vitality*, whereby the Village values and supports a competitive and diversified economy with engaged corporate citizens with an aim to develop an innovative working relationship with industry leaders in the Pemberton area and foster investment in each of the Village of Pemberton's economic areas.

RECOMMENDATIONS

THAT the Village assumes the lead applicant role for the Pemberton Area Economic Development Collaborative grant application, in the amount of \$100,000, from the Rural Dividend Fund;

AND THAT Staff prepare correspondence to the Pemberton & District Chamber of Commerce and the Rural Dividend Fund Project advising that the Village agrees to assume the lead applicant role for the Pemberton Area Economic Development Collaborative's application to the Rural Dividend Fund.

Prepared by:	Jill Brooksbank, Sr. Communications & Grants Coordinator
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

Date: Tuesday, October 2, 2018

To: Nikki Gilmore, Chief Administrative Officer

From: Jill Brooksbank, Sr. Communications & Grants Coordinator

Subject: Dissolution of the Winds of Change Steering Committee

PURPOSE

This report provides background information on the Winds of Change Joint Steering Committee and provides rationale for the dissolution of the Committee.

BACKGROUND

Established in 2004, the Winds of Change (WOC) Committee was formed to reduce the harm associated with drug and alcohol misuse. The Committee included a broad representation of Elected Officials and Staff from regional governments and community stakeholders including Lil'wat Nation, Village of Pemberton, Squamish-Lillooet Regional District (SLRD), Vancouver Coastal Health, RCMP, Sea to Sky Community Services, Mount Currie Health Care Centre, Stl'atl'imx Tribal Police, Youth Mental Health, School District #48, Xet'ólacw Community School, and N'Quatqua.

Lil'wat Nation, the Village of Pemberton and SLRD Area C provided funding to sustain Winds of Change through two five-year mandates, the last of which concluded in 2014. Up until 2014, the Winds of Change hosted an annual Wellness Gathering and Wellness recognition awards and funded annual student bursaries. Between 2014 and 2017, the Committee became dormant as many of the recommendations within the '*Winds of Change: A Healing Vision*' document had been implemented. However, Winds of Change evolved into the daily blog, *The Wellness Almanac*, which is a voice for practical reconciliation and wellness by championing respect, relationships, recreation and resilience, as tools for building stronger communities.

Despite the WOC's inactivity, Community to Community (C2C) relations continued. The Village of Pemberton and the Lil'wat Nation have hosted a number of C2C forums and joint Council meetings over the past decade.

In March 2017, Elected Officials and Senior Staff from Lil'wat Nation, N'Quatqua, Samahquam, SLRD and the Village met together for the first time at the Nukw7ántwał Regional Gathering. The two-day Gathering was part of an on-going effort to strengthen relationships between neighboring communities in the Southern Stl'atl'imx region. There was an expressed commitment to reconciliation and a strong desire to develop a deeper understanding of colonization in Canada and the impact in our Region.

A Final Report was generated following the meeting which captured the discussions that took place during the Gathering. Four recommendations were created in an effort to continue the

discussion and momentum following the Gathering. Recommendation #4 pertained specifically to the WOC Steering Committee:

Convene a meeting to discuss the future of Winds of Change, including the possibility of changing it into a regional citizen-based reconciliation initiative. Consider changing the name and reframing the terms of reference so that the committee mandate is to increase knowledge and awareness, to facilitate local dialogue, and to inspire individual commitment to reconciliation.

In August 2017, funding partners of the WOC Committee met to discuss the future of the Committee. While the Committee members acknowledged the important work the Committee has undertaken to date, it was determined that the focus should be shifted to relationship building, education and advocacy at both the political, Staff and community levels. The Committee funding partners felt that it was appropriate to support the formation and activity of the Nukw7ántwał Intergovernmental Relations Committee. Since this meeting, the Nukw7ántwał Intergovernmental Relations Committee has been formally established and continues to meet quarterly.

At the September 20, 2018 meeting of the Nukw7ántwał Intergovernmental Relations Committee, members supported the dissolution of the Winds of Change Committee and made the following recommendation to Council:

WHEREAS *the Winds of Change was a community response to tragic events in 2002; and,*

WHEREAS *the Winds of Change Committee was established as a Committee of the Village of Pemberton Council to support the ongoing implementation of the recommendations of the 2004 Winds of Change: A Healing Vision report, and*

WHEREAS *Lil'wat Nation, the Village of Pemberton and Squamish-Lillooet Regional District (SLRD) Electoral Area C ("the funding partners") allocated organizational resources and annual funding to sustain the Winds of Change through two five-year mandates (2004 – 2014); and*

WHEREAS *the funding partners continued to provide annual funding to sustain annual student bursaries and to maintain the Wellness Almanac, a website and social media initiative of the Winds of Change which has evolved into a platform for genuine conversations, engagement and promoting wellness in our communities; and,*

WHEREAS *the Winds of Change significantly expanded the dialogue within and between our communities about healthy living and resiliency, and,*

WHEREAS *the local governments and First Nations in the Southern Stl'at'imx area have renewed government-to-government efforts to work together in the spirit of Nukw7ántwał wi ku stákmenlhalh/helping each other to find the way; and,*

WHEREAS *the Nukw7ántwał Intergovernmental Relations Committee is now formally established with the purpose of strengthening relationships, building trust and increasing understanding between communities and individuals in the Southern Stl'at'imx area;*

THEREFORE be it resolved that:

The Nukw7ántwaí Intergovernmental Relations Committee acknowledges and commends the community initiative and energy that sustained the Winds of Change for over 15 years; and,

The parties to the Nukw7ántwaí Intergovernmental Relations Committee agree that the committee structure of the Winds of Change is no longer an appropriate mechanism for going forward; and.

That it be recommended to the Village of Pemberton Council that the Winds of Change Committee be formally dissolved; and,

That it be recommended to Lil'wat Nation Council, Village of Pemberton Council, and the SLRD Board that the organizational resources and annual funding historically assigned to the Winds of Change for the Wellness Almanac and student bursaries be re-allocated to the Nukw7ántwaí Intergovernmental Relations Committee for the purposes of implementing the Nukw7ántwaí Regional Engagement Strategy; and,

That the Nukw7ántwaí Intergovernmental Relations Committee will assume editorial oversight of the Wellness Almanac as a mechanism for promoting the spirit of Nukw7ántwaí wi ku stákmenlhkahl/helping each other to find the way.

DISCUSSION & COMMENTS

Given the support of the funding partners of WOC and the support of the members of the Nukw7ántwaí Intergovernmental Relations Committee, Staff recommends dissolving the Winds of Change Steering Committee and dedicating these resources to the Nukw7ántwaí Intergovernmental Relations Committee and associated initiatives.

Should Council choose to dissolve the WOC Steering Committee, Staff recommends that funding of the Wellness Bursary (formally known as the Winds of Change Bursary) and the Wellness Almanac continue and that the Nukw7ántwaí Intergovernmental Relations Committee oversees the content of the Wellness Almanac.

As the WOC Steering Committee is a joint Committee with Lil'wat Nation, a Chief and Council resolution may also be required to formally dissolve the WOC Committee. We are currently awaiting confirmation from Lil'wat Nation on this matter.

COMMUNICATIONS

This process does not require a communications element at this time.

LEGAL CONSIDERATIONS

There are no legal, legislative or regulatory considerations at this time.

IMPACT ON BUDGET & STAFFING

Historically, Council has allocated annual funding for both the Wellness Almanac and the Wellness Bursary as per the following:

Wellness Bursary <i>(formally known as the Winds of Change Bursary)</i>	\$ 500
Wellness Almanac	\$4,000
Funding from 2018 Budget	\$4,500

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

Creating strong, productive working relationships with our Indigenous and non-Indigenous neighbours fosters meaningful dialogue amongst the membership and within our communities. Continuing these discussions and increasing our understanding of the effects of colonization and residential schools will assist us in supporting our role and efforts in regional reconciliation.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

POTENTIAL GOVERNANCE CONSIDERATIONS

This initiative aligns with Strategic Priority Four: Social Responsibility wherein the Village strives to create a strong and vibrant community, recognizing the importance and benefits of healthy, engaged citizens as well as an accessible and well managed natural environment.

RECOMMENDATIONS

Recommendation #1:

THAT the Winds of Change Committee formally be dissolved.

Recommendation #2:

THAT \$4,000 be allocated from the 2019 Budget for the Wellness Almanac;

AND THAT \$500 be allocated from the 2019 Budget for the Wellness Bursary.

Prepared by:	Jill Brooksbank, Sr. Communications & Grants Coordinator
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

Date: Tuesday, October 2, 2018

To: Nikki Gilmore, Chief Administrative Officer

From: David Ward, Assistant Manager Operations

Subject: Cross Connection Control Program

PURPOSE

The purpose of this report is to introduce both the Cross Connection Control Program Guide, developed for the protection of Pemberton's drinking water, for approval as well as introduce the Cross Connection Control Bylaw for First, Second and Third Readings.

BACKGROUND

The goal of a Cross Connection Control Program (CCCP) is to safeguard the drinking water system from potential contamination. Wherever there is a connection to the drinking water system there is the possibility of water flowing in reverse from that connection, a condition known as backflow. Backflow is caused by either of two scenarios:

- Back Pressure – If the service connection is pressurized to a pressure higher than the distribution system, it will push water back into the distribution system.
- Back siphoning – This occurs if the supply pressure drops to below the pressure at the connection causing a vacuum. As an example, this can be caused by a catastrophic failure of a water main.

There are significant risks of contamination if a backflow event occurs at a connection that is connected to hazardous materials such as those found in industrial buildings. Where potential sources of contamination pose a risk, physical separation or backflow prevention devices are required to prevent the return of non-potable water into the water supply system.

As a water purveyor, the Village operates a water supply system under the regulations of the *British Columbia Drinking Water Protection Act*. In accordance with the responsibilities of the Ministry of Health for providing safe drinking water to the public, the Drinking Water Officer, an official established by provincial legislation, requires that the Village develop and implement a CCCP (**Appendix A**). The implementation of a CCCP is a condition of the Villages permit to operate a water supply system.

A CCCP is a program to administer and regulate the selection, installation, testing and maintenance of backflow preventers. The Village has recently developed a CCCP Guide and corresponding Bylaw that facilitates the implementation of a CCCP such that the Village is in compliance with the condition of our Operating Permit for the drinking water system.

DISCUSSION & COMMENTS

Cross Connection Control Program:

An essential component of a CCCP is a Cross Connection Control Survey and Hazard Assessment. This entails a review of each water service connection within the municipality and rates the hazard as high, moderate or low. High risk hazards are typically found within Industrial, Commercial and Institutional (ICI) zones, whereas low risk hazards usually are found in residential neighborhoods.

The best way to implement a CCCP is to phase it in over time. This allows the Village to concentrate on the high/severe hazards as the first priority before moving to moderate hazards. Residential areas usually pose the least threat of contamination and will not require any additional protection.

To demonstrate the importance of protecting the water supply system, the Village has lead by example and completed a Cross Connection Control Survey and Hazard Assessment for all Municipal buildings and infrastructure. Over the next year we will be implementing the Cross Connection Control measures identified in the assessment of municipal facilities.

Cross Connection Control Bylaw No. 844, 2018:

The Cross Connection Control Bylaw No. 844, 2018, is attached as **Appendix B**, and will be presented for Readings under the Bylaws section of the Regular Meeting Agenda.

The bylaw sets out the Village's obligations of the Village's role and responsibilities related to the cross connection control program, prohibitions related to cross connections such as testing and maintenance of backflow prevention assembly requirements, temporary water use connection and other uses. It also establishes fines that may be levied in the event that work is undertaken without the authority of the Village or there is a breach in the system. As well, in the event of the Village needing to facilitate repairs or undertake action on behalf of a property owner the bylaw establishes that any costs incurred by the Village will be cost recovered.

COMMUNICATIONS

The development of a public relations and education program is vital to the success of the overall program. Communication will include raising awareness among municipal Staff, consumers and stakeholders. Program information will be added to the Village website as well as the Facebook page. It is recommended that information sessions be held for Industrial and Institutional stakeholders.

LEGAL CONSIDERATIONS

Implementation of a Cross Connection Control Program is a condition of the operating permit for the Village's drinking water system issued by Vancouver Coastal Health (VCH). VCH can order the implementation of the CCCP and give a deadline for its implementation if not addressed.

IMPACT ON BUDGET & STAFFING

The impacts on budget will consist of bringing the Village's own Municipal Building's into compliance through the purchase, installation and testing of backflow preventers. The cost associated with this is estimated at \$5,000, with approximately \$4,000 being an annual cost for testing of all testable backflow preventers. The Cross Connection Control Survey and Hazard Assessment of ICI buildings will be contracted out to a certified Cross Connection Control Inspector. The estimated cost of this will be \$5,000/year until all ICI buildings have been assessed.

A Cross Connection Control software program with an annual cost of \$400 will be used to track all survey hazard assessment information, backflow prevention assemblies, test reports as well as generate letters of correspondence and reminders of annual backflow preventer test due dates and other relevant notices. This program will be overseen by both the Water Operator as well as the Building and Planning Clerk.

The costs associated with these programs can be accommodated in the current budget and will be incorporated into the daily operations of the Public Works department going forward.

INTERDEPARTMENTAL IMPACT & APPROVAL

The CCCP will involve co-ordination with Development Services with respect to new buildings. New buildings must meet the backflow protection requirements as stipulated in the Building Code. The Building Inspector and/or the Water Operator will confirm the installation of all required backflow preventers for new buildings.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

Implementation of the CCCP will increase the safety of the water supply for both the Pemberton North Water System which the Village supplies water to and is run by the SLRD as well as the Lil'wat water system that supplies the Industrial Park.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

POTENTIAL GOVERNANCE CONSIDERATIONS

Development and implementation of a Cross Connection Control Program is in line with the Village's Strategic Priority Four: Social Responsibility whereby the Village strives to create a strong and vibrant community, recognizing the importance and benefits of healthy, engaged citizens as well as an accessible and well managed natural environment.

RECOMMENDATIONS

Cross Connection Control Program:

THAT Council approve the Cross Connection Control Program Guide as presented.

Cross Connection Control Bylaw No. 844, 2018:

THAT Cross Connection Control Bylaw No. 844 be given First, Second and Third Readings.

ATTACHMENTS:

Appendix A: Cross Connection Control Program Guide

Appendix B: Cross Connection Control Bylaw No. 844, 2018

Prepared by:	David Ward, Assistant Manager of Operations
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer



Cross Connection Control Program Guide

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1. Introduction

Safety of drinking water is a public health issue. In the province of British Columbia, the Ministry of Health Services provides leadership and assumes ultimate responsibility for providing safe drinking water for British Columbians.

The Ministry of Health Services is the lead agency for drinking water issues. This requirement is a condition of the Permit to Operate for the Village of Pemberton, Water Utility.

2. Purpose

The Village of Pemberton has developed a Cross Connection Control Program in compliance with the Health Authority's – Permit to operate a water system (Drinking Water Protection Act). The purpose of this program is to protect public health by ensuring that the safe clean water provided by the Village is not contaminated due to backflow. A Cross Connection Control Program addresses cross connection threats as a result of backflow by establishing operating policies and procedures as well as backflow preventer, selection, installation, testing and maintenance practices and procedures. The Program tracks all installed testable backflow preventers connected to a water service provided by the Municipal water distribution system, to ensure that they remain in proper working order. The program also maintains a list of certified backflow preventer testers to help ensure qualified persons are testing the backflow preventers.

3. Goals and Objectives

Our goal is to develop and implement a Cross Connection Control Program. Maintain and assess the program in an ongoing and objective manner, ensuring that clean safe water is delivered to the people of the Village of Pemberton.

4. Enforcement Authority

The Village of Pemberton Cross Connection Control Program receives its authority from the Cross Connection Control Bylaw No. 844, 2018, and any amendments and replacements thereof and the British Columbia Building Code, Part 7, which require that potable water be protected from contamination.

5. Administrative Authority

The Operations and Development Services department has been delegated the responsibility to administer and manage the Cross-Connection Control Program.

6. Personnel

The Cross Connection Control Coordinator will be the Water Operator.

7. Training and Certification

The Village personnel involved with the operation of Cross-Connection Control Program have taken the appropriate Cross-Connection Control Training & Courses recognized by industry standards.

8. Definitions

1. **Air break** – the unobstructed vertical distance between the lowest point of an indirectly connected waste pipe and the flood level rim of the fixture into which the waste pipe discharges.
2. **Air gap** – the unobstructed vertical distance through air between the lowest point of the water supply outlet and the flood level rim of the fixture or device into which the outlet discharges. The recommended vertical air gap shall be at least twice the inside diameter of the water supply inlet but never less than 25mm.
3. **Area Protection** – protection provided for a section of a piping system with potable and non-potable connections (that may or may not be considered cross-connections) downstream of a backflow preventer. See **Zone protection**.
4. **Approved Backflow Prevention Assembly** – means a backflow preventer that is designed to be tested and repaired in-line and to meet the design and testing criteria requirements of the CSA standards B64.10.01 most current edition.
5. **Auxiliary Water Supply** – means any water available on or to a premise originating from a source or system, other than that from the Village of Pemberton Waterworks System.
6. **Backflow** – The flow of water or other liquids, gases or solids from any source, in the reverse direction from normal, as a result of back-siphonage or backpressure, back into the potable private water system or the Village of Pemberton Waterworks System;
 - a) **Backpressure** – backflow caused by pressure higher than the supply pressure due to elevation of piping, heating systems or pumps.
 - b) **Back-siphonage** – backflow caused by pressure below atmospheric in the supply system due to loss of pressure due to water main breaks, hydrant flushing, firefighting, high demand etc.
7. **Backflow Assembly Tester** – means a person holding a valid certificate from a recognized approval agency as approved by the Village of Pemberton for the purpose of testing and servicing all types of backflow prevention devices.
8. **Backflow preventer** – means a mechanical apparatus installed in a water system that prevents backflow of contaminants into the potable waterworks system and to meet the design and installation criteria requirements of the CAN/CSA standards B64 Series most current editions;
 - a. **Double check valve assembly (DCVA)** – a backflow preventer consisting of two force-loaded, independently acting check valves, including tightly closing resilient-seated shut-off valves

- located at each end of the assembly and fitted with properly located resilient-seated test cocks. This device is designed for use under continuous pressure for minor to moderate hazards.
- b. Dual check valve (DuC)** – a backflow preventer consisting of two independently acting, force-loaded, soft-seated check valves in series. This device does not have a relief port or test cocks. This device is designed for use under continuous pressure for minor hazards only.
 - c. Dual check valve with atmospheric port (DCAP)** – a backflow preventer consisting of two independently acting check valves separated by an intermediate chamber with an atmospheric port. A chamber pressure higher than the supply pressure is required to open the port when there is a positive pressure on the supply side. This device is designed for use under continuous pressure for minor hazards.
 - d. Dual check valve with atmospheric port for carbonators (DCAPC)** – a carbonated beverage backflow preventer consisting of two independently acting check valves biased to normally closed positions and separated by an intermediate chamber with an atmospheric port. A chamber pressure higher than supply pressure is required to open the port when there is a positive pressure on the supply side. An integral strainer at the inlet ensures that debris does not foul the device’s check valves or enter the carbonator unit. This device is designed for use under continuous pressure for minor or moderate hazards.
 - e. Dual check valve with intermediate vent (DuCV)** – a backflow preventer consisting of two independently acting check valves biased to a normally closed position. Between the check valves there is a relief port that is biased to a normally open position. This device is designed for use under continuous pressure for minor hazards.
 - f. Reduced pressure principal assembly (RP)** – a backflow preventer consisting of a mechanically independent acting, hydraulically dependent relief valve located in a chamber between two independently operating, force-loaded check valves, the intermediate chamber pressure always being lower than the supply pressure when there is a positive pressure on the supply side. The unit includes properly located resilient-seated test cocks and tightly closing resilient-seated shut-off valves at each end of the assembly. This device is designed for use under continuous pressure for severe hazards.
- 9. Critical level (CL)** – the level of submergence at which a vacuum breaker ceases to prevent back-siphonage.
 - 10. Cross Connection** – any physical arrangement whereby the Village’s water supply is connected, directly with any non-potable or unapproved private water supply system, sewer, drain, conduit, well, pool, storage reservoir, plumbing fixture, or any other device which contains, or may contain, contaminated water, liquid, gases, sewage, or other waste, of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow.
 - 11. Cross Connection Control Inspector** – means a person approved by the Village of Pemberton for the purpose of conducting a cross connection hazard assessment survey of facilities.

12. **Cross Connection Control Program (CCCP)** – a program initiated by a regulatory authority (the Village of Pemberton) to administer and regulate the selection, installation, testing, and maintenance of backflow prevention devices.
13. **Consumer** – means a person to whom water is supplied by the Village of Pemberton.
14. **Enclosure** – an above-ground structure, designed to accommodate a backflow preventer, that incorporates positive drainage to prevent submergence of the backflow preventer, provide security, increase accessibility for testing and repair, and possibly provide freeze protection.
15. **Fire Protection System (class types)** – see reference: CSA B64.10 / BC Building Code.
16. **Fire Service Pipe** – a pipe that conveys water from a public water main or private water source to the inside of a building for the purpose of supplying a fire sprinkler or standpipe system.
17. **Fixture** – a device that receives water, waste matter, or both and directs these substances into a sanitary drainage system.
18. **Hazards** – shall be divided into three categories:
 - a) **Minor Hazard** – any type of actual or potential cross-connection that involves a substance that constitutes only a nuisance and that results in a reduction in only aesthetic qualities of water. This includes water that might have been heated or cooled and connections that cannot create a danger to health.
 - b) **Moderate Hazard** – any minor hazard connection that has a low probability of becoming a severe hazard. This includes, but not limited to, connections involving water where aesthetic qualities of the water have been reduced and, under certain conditions, can create a danger to health.
 - c) **Severe Hazard** – any type of cross-connection or potential cross-connection involving water that has additives or substances that, under any concentration, can create a danger to health.
19. **Horizontal** – a plane perpendicular to a plumb line (± 2 deg.).
20. **Individual of fixture protection** – protection provided at the connection to a fixture or appliance.
21. **Irrigation system, above ground** – a system of pipes and valves, installed above grade, that carry water for various irrigation uses: examples include garden and soaker hoses, portable lawn or garden sprinklers, and manually controlled micro/drip irrigation systems.
22. **Irrigation system, in ground** – a system of pipes and valves that carry water to various types of sprinklers for distribution over the surface of the soil (piping located underground).
23. **Pit** – a hole or a cavity constructed to house a backflow preventer in the ground, and not capable of being physically being entered by a person.

24. **Potable water** – means water that meets Health Canada’s Guidelines for Canadian Drinking Water Quality and is fit for human consumption.
25. **Potable water system materials** – any material acceptable under the British Columbia Building Code for use in a water distribution system.
26. **Potable water system materials, not acceptable** – any material that is not acceptable under the British Columbia Building Code for use in a water distribution system.
27. **Premises isolation** – protection provided at the entrance to a building or facility. (This type of protection does not provide protection to personnel on the premise.)
28. **Readily accessible** – capable of being reached for operation, renewal, servicing, or inspection, without requiring the climbing over or removal of an obstacle or the use of a portable ladder.
29. **Regulatory authority** – a federal, provincial, or municipal ministry, department, board, agency, or commission that has responsibility for regulating by statute the use of products, materials, or services.
30. **Residential** (applied to a building) – intended for residential occupancy as defined in the British Columbia Building Code.
31. **Survey** – means a complete formal review of the potable water system(s) located within a building or property to determine and document the existence of actual or potential cross connections that could pose a health risk to occupants or Village Waterworks System, including existing backflow preventers, their installation and condition.
32. **Service Connection Point** – means the point of physical connection between the waterworks system and the private water system. Typically the Service Connection Point is at the downstream side of the water meter and/or is located at or near the Owners property line.
33. **Vacuum breakers** – a device that will prevent back-siphonage ONLY when pressure in the system upstream of the device falls below atmospheric pressure. Air is only admitted downstream of the device.
 - a) **Air space type (ASVB)** – a manufactured device or fitting with a visible integral air space between the inlet and outlet of the fitting that prevents backflow from minor, moderate or severe hazards.
 - b) **Atmospheric vacuum breaker (AVB)** – a vacuum breaker designed to be under pressure only when water is being drawn from the water supply system and for a short, intermittent periods of time that prevents back-siphonage from minor or moderate hazards.
 - c) **Hose connection dual check vacuum breaker (HCDVB)** – a vacuum breaker consisting of two independently acting check valves, forced-loaded or biased to a closed position. Located between the checks is a means of venting to atmosphere that is forced-loaded or biased to an open position that prevents back-siphonage from minor hazards.

HCDVB devices:

1. are designed to be under pressure only when water is being drawn from the system and for short intermittent periods of time;
 2. incorporates a means to manually test the operation of the downstream check valve;
 3. are designed to be used where backpressure generated by an elevated hose is 3 m (10ft) of head pressure or less.
- d) **Hose connection vacuum breaker (HCVB)** – a vacuum breaker that consists of a single force-loaded check valve biased to a closed position. Downstream of the check valve is a means of automatically venting to atmosphere that is force-loaded or biased to an open position. If there is no flow through the device, the check valve is closed and the vent is open. The device is designed to be under pressure only when water is being drawn from the system and for short, intermittent periods of time that prevents back-siphonage from minor hazards.
- e) **Laboratory faucet vacuum breaker (LFVB)** – a vacuum breaker consisting of two independently acting check valves force-loaded or biased to a closed position. Between the check valves there is an atmospheric vent that is force-loaded or biased to an open position. When the laboratory faucet is off, the check valves are closed and the vent is open; when the faucet is on, the check valves are open and the vent is closed that prevents back-siphonage from minor hazards.
- f) **Pressure vacuum breaker (PVB)** – a vacuum breaker that contains an independently acting check valve force-loaded or biased to a closed position, and an independently operating air inlet valve force-loaded or biased to an open position and located downstream of the check valve that prevents back-siphonage from minor, moderate or severe hazards.

PVB devices are:

1. equipped with resilient-seated test cocks and resilient-seated shut-off valves located at each end of the vacuum breaker;
 2. designed for use under continuous pressure.
- g) **Spill-resistant pressure vacuum breaker (SRPVB)** – a vacuum breaker that contains an independently acting check valve force-loaded or biased to a closed position, and an independently operating air inlet valve force-loaded or biased to an open position and located downstream of the check valve. A diaphragm separates the flow from the atmospheric vent. SRPVB devices are equipped with a resilient-seated test cock, a bleed screw, and resilient-seated shut-off valves located at each end of the device. SRPVB devices are designed for indoor use under continuous pressure that prevents back-siphonage from minor, moderate or severe hazards.
34. **Vault** – a room or space that is constructed to house a backflow preventer and that is capable of being entered by a person.
35. **Vertical** – a plane parallel to a plumb line (± 2 deg.).
36. **Waterworks System** – means the water distribution system owned and operated by the Village of Pemberton.

37. Water Supplier – referred to as the Village of Pemberton in this document.

38. Zone Protection – protection provided for sections of a piping system within a building of facility with no potable connections downstream of a backflow preventer. See **Area protection**.

9. Responsibilities of the Village of Pemberton

1. Provide a Cross Connection Control Program

The Village of Pemberton shall endeavour to prevent the contamination of the water distribution system through their Cross Connection Control Program. Proactive measures such as facility assessments, compliment the program by identifying cross connections and providing guidance for the installation & testing of new and existing backflow preventers then maintaining records on these devices. The Village will also respond to Consumer inquiries in an effort to meet the goals and objectives of the Cross Connection Control Program.

2. Program Implementation

The Cross Connection Control Program will be implemented in a manner that will address the severe hazard water use processes first. A cross connection inspection and hazard assessment shall be conducted for all Industrial, Commercial, Institutional and Agricultural (ICIA) Consumers. Following the survey, a summary report and letter will be sent to the Consumer or the property owner explaining the result of the survey and any recommendations or requirements, if any, for cross connection control. The Consumer is required to respond in writing, indicating their intentions or plans to rectify potential hazards and requirements as identified on the survey report. If no response is received from the Consumer or property owner, a second notice will be sent explaining the importance of the compliance. Ultimately, if no response is received in the allotted time frame, a final notice will be sent preceding Bylaw enforcement action. Surveys will follow a consultation and education process. The program will then address the moderate and minor hazard uses.

Public education programs will be delivered to inform residential Consumers of the dangers of backflow. A survey of a residence will only be undertaken if there is a real or perceived higher than normal risk to the water utility from the residents.

The Village of Pemberton's responsibility for cross connection control will begin at the water supply source. It will include all public water treatment, storage and distribution facilities, and end at the downstream end of the water meter.

3. Emergency Response

An Emergency Response Plan will be developed in accordance with the Drinking Water Protection Regulations, to address any incident arising from a backflow occurrence and will be appended to this Policy.

4. Program Maintenance

The Village of Pemberton will keep records of all backflow prevention assemblies as the assemblies are inventoried or installed.

5. Record Keeping

All records will be maintained as per below.

A record of each testable backflow prevention assembly installed on the water distribution system will be maintained. This includes the date of installation, the cross-connection the assembly is protecting, location, make, model, size, serial number and test results.

A record of certified backflow assembly testers will be maintained in conjunction with the British Columbia Water & Waste Association (BCWWA), and will include certification number and test equipment calibration dates.

A copy of each survey assessment report, notices and all other correspondence will be kept by the Village of Pemberton.

A Cross Connection Control software program will track all Survey hazard assessment information, backflow prevention assemblies, test reports, letters of correspondence plus provide reminders of annual backflow preventer test due dates and other relevant notices to Consumer.

6. Program Funding

The Village of Pemberton shall provide funding and personnel resources to maintain and operate the CCC Program effectively.

10. Facility Management

1. Inspection of New Facilities

All newly constructed Industrial, Commercial, Institutional & Agricultural (ICIA) facilities shall meet the backflow protection requirements as stipulated in the Building Code, adopted CSA Standards and the Municipal Cross Connection Control Program Bylaw.

All applications for new Industrial, Commercial, Institutional & Agricultural (ICIA) services and enlarging of existing services must be routed through the Manger of Operations and Development Services.

The site plan, mechanical plan and the plumbing fixture schedules must be checked for actual and potential cross connections by the Building / Plumbing Inspector and the Cross Connection Control Coordinator.

A record will be made of all identified cross connections along with the approval methods used to eliminate or control the cross connections.

When reviewing plans for cross connection control the CSA B.64.10 standard will be used as a guideline.

Required backflow preventers will be listed and attached to the final plans before they are approved.

During final inspection the Building / Plumbing Inspector and the Cross Connection Control Coordinator will confirm the installation of all required backflow preventers previously listed on the final plans.

An Occupancy permit will not be issued or water service continued to be supplied, until all backflow prevention devices have been properly installed and copies of all applicable backflow assembly test reports, confirming the assembly has passed, have been submitted. Testing of backflow prevention assemblies must be provided by a certified backflow assembly tester holding a valid certification issued from a recognized British Columbia approval agency.

2. Inspection of Existing Facilities

All ICIA facilities prior to the implementation of this CCC Program shall be Surveyed for cross connections and documented in a survey assessment or plan review report by a Cross Connection Control Inspector in conformance with the CSA B64.10.

Surveys of the above facilities will be performed by the Village beginning with facilities with the most hazardous potential for cross connections that may pose a high degree of hazard to the drinking water distribution system through cross connections.

All Municipal owned buildings, parks and irrigation systems have been surveyed for cross connections and deficiencies identified are being rectified.

All existing Village owned backflow assemblies are being properly maintained and have been tested routinely by a certified backflow assembly tester.

11. Bulletin Development and Program Structure

The Cross Connection Control Program will be structured to allow for updates in the program guide, policy and procedures. This structure will include bulletins that will be posted and/or distributed to apprise the general public and contractors to clarify the requirements for cross connection control that may or may not be specifically addressed in the bylaw.

12. Responsibilities of the Consumer

1. Control Cross Connections

It is incumbent upon the Consumer to ensure that onsite water use practices or processes do not affect the Village's water distribution system in a negative manner. This requirement is a condition of water service from the Village. The Consumer shall be responsible for controlling cross connections through the installation, testing and maintenance of approved backflow prevention devices or measures on any

permanent or temporary connection to the water distribution system. The type of backflow prevention measures required for each actual or potential cross connection shall be determined by the degree of hazard, minor, moderate or severe, and the type of backflow (back-siphonage, back pressure or both) the piping system may be subjected to.

2. Access to Premises

The Consumer shall be responsible for providing the necessary information, scheduling, and access for inspection to allow a determination of backflow potential and the appropriate cross connection control measures.

The Consumer's system must be open for inspection at all reasonable times to authorized representatives of the Village of Pemberton to determine whether cross connection hazards, including violations of this article or other applicable bylaws, exist. When such a condition becomes known, the Village shall notify the Consumer and provide a reasonable period of time to correct the condition based on the potential degree of hazard.

3. Backflow Prevention

All Backflow Assemblies and Devices will be selected and installed in compliance with the Canadian Standards Association CSA-B64.10 Manual for the Selection and Installation of Backflow Preventers.

The Consumer is responsible for all costs associated with the installation, inspection, testing, repair, replacement and maintenance of backflow preventers servicing their water system.

The Consumer is responsible for notifying the Village of any backflow preventer that the Consumer believes is no longer necessary and that may require removal.

4. Premise Isolation

In order to ensure contaminants cannot enter the water works system from private plumbing systems, a Backflow preventer(s) of the correct type, as determined by the Water Operator, may be required to be installed on the main service connection(s) downstream of the water meter in an in-ground vault, above ground insulated enclosure or inside a building where the service(s) enters the building. This is to prevent the spread of contaminants into the public water distribution system should a backflow incident occur. All backflow preventers must meet the installation requirements of the CAN/CSA B64.10 and/or as otherwise approved by the Village of Pemberton.

Facilities that require continuous and un-interrupted water supply shall have two backflow preventers of the same type and size, installed in parallel.

5. Hot water heating systems & thermal expansion

Hot water systems should be inspected by a qualified plumber prior to the installation of a backflow preventer to ensure that a closed system is not created or that there is consideration for thermal expansion

either, by the installation of a thermal expansion tank or other method as indicated in the BC Plumbing Code.

6. Backflow Assembly Testing, Maintenance and Repair

All testable assemblies installed at the request of the Water Operator or the Plumbing/Building Inspector on behalf of the Village, shall be tested in accordance with the CSA-B64.10.1 (current edition) Manual for the Maintenance and Field Testing of Backflow Preventers by a certified backflow assembly tester when the assembly is installed, repaired or relocated and then annually thereafter, or more frequently if required by the Village.

All air gaps and atmospheric vacuum breakers shall be inspected, respectively, at the request of the Village.

In the event an assembly fails a test, the Consumer must have the assembly repaired or replaced within 15 days of the initial test date or other time agreed to by the Village. The assembly must then be tested again to ensure that it is in proper working order. The test result must be submitted, within thirty (30) days of the test date, to the office of the Village of Pemberton to the attention of the Cross Connection Control Program Coordinator. After review and acceptance of the test report, the assembly is considered in proper working order if it passes the applicable test in accordance with the CSA-B64.10.1 standard listed above.

a. Test Report Form

All test results must be submitted on an approved Village of Pemberton backflow assembly test report forms.

b. Test Report Acceptance

The Village of Pemberton Cross Connection Control Coordinator retains the right to accept or reject submitted backflow preventer test reports based on errors, discrepancies and/or omissions. This process will be complete within thirty (30) days from the receipt of the test record. If consecutive errors or omissions are noted on test forms submitted by a certified backflow assembly tester, the Village reserves the right to refuse recognition of the tester as certified. Test gauge values must be indicated on the test report for each test result.

c. Test Tag

A tag or label must be securely attached to every assembly containing the following information:

Side A

Name of Owner
Cross Connection Protected
Type of Assembly
Manufacturer
Serial #
Size

Side B

Test Date
Certification #
Company Tested By
Tester Initial
PASS or FAIL

It is the responsibility of the certified backflow assembly tester to ensure that this tag is fully completed after each test with a **permanent waterproof pen**.

13. Fire Hydrant & Temporary Use

The Village requires that a Hydrant Usage Application be completed and approved for commercial temporary use of water withdrawal through a Village of Pemberton fire hydrant connection or fill station standpipe to prevent contamination of the water distribution system. A double check valve assembly (DCVA) shall be installed during water withdrawal from fire hydrants (for non-emergency use) or temporary services for moderate hazards or a reduced pressure principal backflow preventer (RP) for severe hazards. All assemblies shall be functioning as designed and have been tested accordingly.

14. Safety

The Village of Pemberton will provide programs to help ensure the safety of personnel involved with the Cross Connection Control Program (Work Safe BC).

15. Forms & Letters

The Village of Pemberton will provide letters and notifications to the Consumer, including program announcements, survey summaries, intent of compliance request letter, backflow test required and reminder notification etc. Changes in policy and related program announcements will be distributed to pertinent municipal departments, engineering and commercial service providers.

The Village has developed a test report form for all testable backflow assemblies that are installed on the water distribution system(s) within the municipal boundaries.

16. Public Education

The Village of Pemberton will provide information to Consumers informing them of the hazards of cross connections and backflow to help educate and protect the users of the water distribution system from contamination.

17. References

A reference library of cross connection control industry related publications will be maintained by the Village that will continue to provide up to date information relating to cross connection control issues and best management practices.

18. Standards & Guidelines

1. British Columbia Plumbing Code

All new construction and renovations undertaken in the Village of Pemberton are subject to the requirements of the B.C. Plumbing Code, Division B Part 2, 2.6.2 "Protection from Contamination".

The Code requires backflow prevention and in Section 2.6.2.1.3) states that "Backflow preventers shall be selected and installed in conformance with CAN/CSA B64.10 Manual for the Selection and Installation of Backflow Prevention Devices."

2. CSA B64.10/B64.10.1 - Manual for the Selection and Installation of Backflow Prevention Devices

This standard shall be used for the selection & installation of backflow preventers and methodology of backflow prevention. This standard may not address every application of backflow protection, or may be subjective or require further clarification. Therefore, the Village may, from time to time, issue a Bulletin as an extension of this policy, to provide clarification and continuity in the CCC Program. In case of a discrepancy between the accepted CSA standard and a bulletin of the Village of Pemberton Cross Connection Control Policy, the criterion of the bulletin will prevail.

3. CSA B64 Series – Backflow Preventers & Vacuum Breakers

This standard is used in conjunction with other B64 series standards and ultimately determines the requirements that backflow devices must meet in order to be used in plumbing systems. All backflow preventers installed in the Village shall be approved in accordance with CSA standard B64 Series. The backflow preventers must be approved for the application for which they are being used.

4. CSA B128.1 - Design and installation of non-Potable water systems/Maintenance & field testing of non-potable water systems

This standard specifies the minimum plumbing requirements for non-potable water systems and provides guidelines for identification of non-potable system piping & outlets and procedures for cross connection testing of the non-potable water systems.

5. CSA B214 – Installation code for hydronic heating systems

This Code establishes the minimum required provisions regarding the installation of hydronic heating systems.

6. Provincial AWWA - Canadian Cross Connection Control Manual and/or the American Backflow Preventer Association ABPA Certification

These associations are the accepted agencies for Certification for the Procedures & Practices for the testing backflow preventers & CCC inspection of facilities.

7. Chemigation Guidelines for British Columbia – (BCMAF publication for agricultural Consumers)

The Chemigation Guidelines for British Columbia provide information on backflow prevention requirements for all types of water supplies and additional safety information pertaining to chemigation.

Producers obtaining water from streams or other natural sources are not under the authority of a water supplier. The chemigation manual should be used by agricultural producers as a chemigation standard in instances where a higher authority has not established a standard.

APPENDIX B

Village of Pemberton

BYLAW No. 844, 2018

A bylaw to establish a cross connection control program and process
for the Village of Pemberton.

WHEREAS, provincial legislation requires water suppliers to ensure that provisions are in place for the elimination and prevention of contamination between their potable water and any non-potable sources.

AND WHEREAS, the Council has established a bylaw to regulate the Village of Pemberton Waterworks System.

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

1. CITATION

1.1. This Bylaw may be cited for all purposes as Cross Connection Control Bylaw No. 844, 2018.

2. DEFINITIONS

In this Bylaw:

Approved Backflow Prevention Assembly means a backflow preventer that is designed to be tested and repaired in-line and to meet the design and testing criteria requirements of the CSA standards B64.10.01 most current edition;

Auxiliary Water Supply means any water available on or to a premise originating from a source or system, other than that from the Village of Pemberton Waterworks System;

Backflow means the flow of water or other liquids, gases or solids from any source, in the reverse direction from normal, as a result of back-siphonage or backpressure, back into the potable private water system or the Village of Pemberton *waterworks system*;

Backflow Assembly Test Report means a form provided by or approved for use by the Village to be used when testing backflow assemblies to record all pertinent information and test data;

Backflow Assembly Tester means a person holding a valid certificate from a recognized British Columbia approval agency for testing backflow prevention assemblies as approved by the Village of Pemberton;

Backflow Preventer means a mechanical apparatus installed in a water system that prevents backflow of contaminants into the potable *waterworks system* and to meet the design and installation criteria requirements of the CAN/CSA standards B64 Series most current editions;

Building Official means an individual appointed by Council under the *Building Act*;

Cross Connection means any actual or potential physical connection whereby the Village *waterworks system* is connected, directly or indirectly, with any non-potable or unapproved private water supply system, sewer, drain, conduit, well, pool, storage reservoir, plumbing fixture, or any other device which contains, or may contain, non-potable or contaminated water, liquid, gases, sewage, or other waste, of unknown or unsafe quality which may be capable of imparting a pollutant or contaminant into the public water supply as a result of backflow;

Cross Connection Control Program Guide means the Village *Cross Connection Control Program Guide*, Policies, Procedures and Specifications which provide references, guidelines, bulletins and amendments relevant to this bylaw;

CSA is the abbreviation for the Canadian Standards Association;

Consumer means a person to whom water is supplied by the Village of Pemberton;

Disconnect/Disconnection means the turning off, or a physical separation of the *Consumer Supply Line* from the Village waterworks system;

Hydrant or Temporary Use Permit means a permit issued by the Village for any Person requesting water from a fire hydrant, stand pipe, or temporary water connection for purposes other than emergency fire protection;

Inspect means an on-site review of the water use, facilities, meters, piping, equipment, operating conditions and maintenance records for the purpose of evaluating for conformity with the terms and conditions of this bylaw;

Manager means the Manager of Operations and Development Services or their designate.

Non-potable Water means water that does not meet Health Canada's Guidelines for Canadian Drinking Water Quality and is not destined for human consumption;

Non-potable Water Systems means an assembly of pipes, fittings, valves, and appurtenance that collects and is not destined for human consumption;

Owner has the same meaning as in the *Community Charter* and in respect of a Strata common property, the Strata Corporation;

Person shall, in addition to its ordinary meaning, include a firm or partnership, company or corporation. In addition, throughout this bylaw where the context requires, the singular shall be held to mean and to include the plural and the masculine, the feminine or body corporate;

Potable Water means water that meets Health Canada's Guidelines for Canadian Drinking Water Quality and is fit for human consumption;

Premise/Premises includes land, buildings and structures;

Private Water System means any privately owned pipe and fittings intended for the delivery or distribution of water within a premise or to a property and includes any domestic use,

irrigation system, greenhouse and hydroponics system, and any other use of water supplied by the Village's *waterworks system*;

Reconnect/Reconnection means to turn on, or physically connect the *Consumer Supply Line* to the Village's *waterworks system*;

Service means the supply of water from the *waterworks system* to any person, firm or corporation and includes all pipes, taps, valves, connections and other things necessary to or used for the purpose of the supply of water;

Service Connection Point means the point of physical connection between the *waterworks system* and the *private water system*. Typically the Service Connection Point is at the downstream side of the water meter and/or is located at or near the Owners property line.

Survey means a complete formal review of the potable water system(s) located within a building or property to determine the presence of any existing backflow preventers, there installation & condition and/or the existence of cross connections that could pose a health risk to occupants or the Village's *Waterworks system*;

Used Water means any potable water which is no longer in the *waterworks system* including potable water that has moved downstream or past the Water Service Connection (water meter) and/or the property line to the private water system;

Village means the Village of Pemberton

Village Official means the Chief Administrative Officer or their designate.

Water Operator means the person appointed by the Chief Administrative Officer to act on behalf of the Village for the purposes of operating the waterworks system.

Water Service Connection means a water supply pipe connected to the *waterworks system* and extending to the property line of the *Consumer* for the purpose of conveying water to the *Consumer*. A water service connection shall include a water meter and a shut-off valve and shall be the property of the Village.

Waterworks system means the water distribution system owned and operated by the Village.

3. WATER SUPPLY AND PRESSURE

3.1. The Village does not guarantee pressure or continuous supply of water, or accept responsibility at any time for the maintenance of pressure in its water mains or for increases or decreases in pressure. The Village reserves the right at any and all times, without notice, to change operating water pressure and to *shut off* the water supply for the purposes of making repairs, extensions, alterations or improvements, or for any other reason.

3.2. The Village, its officers, employees or agents shall not incur any liability of any kind what so ever by reason of the cessation in whole or in part of water pressure or water supply, or changes in operating pressures, or by reason of the water containing sediments, deposits, or other foreign matter.

- 3.3. Where steam or hot water boilers or other equipment is fed with water by pressure directly from the *waterworks system*, the Village shall not be liable for any injury or damage which may result from such pressure or from lack of such pressure or any injury or damage resulting from the improper installation of a backflow preventer.

4. INSPECTION

- 4.1. The Village Official shall be entitled, at its determination to:

- 4.1.1. Access the *private water system* located on private property at all reasonable hours in order to carry out *surveys* of the *premises* to determine the existence of connections or *cross connections* prohibited by this bylaw and as stated in the Village of Pemberton *Cross-Connection Control Program*.
- 4.1.2. Ensure standards are met and satisfied relating to the type of *backflow preventer* and the installation and maintenance of the same as specified by the standards and guidelines identified in the Village *Cross Connection Control Program Guide*.
- 4.1.3. Document the type of *backflow preventer*, the installation and state of maintenance and repair of the same.

5. CONDITION OF SERVICE

- 5.1. *Service* supplied by the Village to a *Consumer* shall only be provided where, in the opinion of the Village, the *waterworks system* has been effectively protected from any actual or potential *cross connections* existing at or within the *Consumer's private water system*.
- 5.2. No *Consumer* or other *person* shall *turn on* a *water valve* to provide *Service* to the occupants of any newly renovated or constructed or reconstructed *premise(s)* until the *private water system* in such *premise(s)* has been inspected for *Cross Connections and approved* by the *Water Operator* or otherwise satisfies section 5.1 of this bylaw.

6. PREVENTION OF CONTAMINATION

- 6.1. No *person* shall create a *Cross Connection* by connecting, causing to be connected, or allowing to remain connected to the Village *waterworks system*, any device, piping, fixture, fitting, container, appliance or any other chattel or thing which may under any circumstances allow non-potable water, used water, wastewater or any chemical, liquid, gas or other substance to enter the *waterworks system*.

7. CROSS CONNECTIONS PROHIBITED

- 7.1. Where any cross connection(s) or condition is found to exist which, in the opinion of the *Water Operator*, may otherwise expose the *waterworks system* to risk of contamination, the *Water Operator* may, at their discretion, take one or more of the following actions:
 - 7.1.1. Give notice to the *Consumer* to correct the condition or Cross Connection(s) at the sole expense of the *Consumer* within a specified time period; or

- 7.1.2. *Disconnect / Disconnection of Service* until the condition is corrected.
- 7.2. A Person to whom a notice under section 7.1.1 applies must eliminate or control the condition or *Cross Connection* giving rise to the notice by selecting and installing a *Backflow Preventer*, conforming to the CAN/CSA B64.10 (most current) standards.
- 7.3. Neither the failure to send or deliver a notice, nor the failure to receive a notice, relieves a *Consumer* from the regulations or requirements of this bylaw.
- 7.4. Subject to reconsideration by Council, any *Consumer* to whom *Service* has been *disconnected* pursuant to this bylaw shall not have the *Service reconnected* until all requirements have been met to the satisfaction of the *Water Operator* and the *Consumer* has paid to the Village all costs associated with the *disconnection or reconnection of Service*, and the *Consumer's* default under this section has been remedied.

8. TESTING AND MAINTENANCE OF BACKFLOW PREVENTION ASSEMBLIES

- 8.1. Every *Consumer* shall provide to the Village within thirty (30) days of initial installation, repair or relocation of an approved *backflow prevention assembly* a Village *backflow assembly test report* from a certified *Backflow Assembly Tester* confirming the following:
- 8.1.1. The installation date of the *Approved Backflow Prevention Assembly*;
- 8.1.2. The specific location of the assembly and what *Cross Connection* or hazard it is intended to isolate;
- 8.1.3. The manufacturer, model, size and serial number of the *backflow preventer* installed; and
- 8.1.4. That it is an *approved backflow prevention assembly*, installed correctly and in proper operating condition.
- 8.2. Every *Consumer* must cause to be carried out a test and inspection of all *approved backflow prevention assemblies* located on his or her property, at the sole expense of the *Consumer*, by a person certified as a *Backflow Assembly Tester*, upon installation, after repair and at least once in every consecutive twelve (12) month period thereafter.
- 8.3. Where a *Consumer* fails to have an *approved backflow preventer* tested, the Village may notify the *Consumer* that the *Backflow Preventer* must be tested within a specified time period, in which case the *Consumer* must comply within that time period.
- 8.4. Any *Person* that removes a *Backflow Preventer* from a plumbing system must obtain prior written consent of the *Water Operator*. Prior written consent is not required when a *Backflow Preventer* is removed and immediately replaced with an appropriate *Backflow Preventer* and a *Backflow Assembly Test Report* is provided to the Village.
- 8.5. Where an *Approved Backflow Prevention Assembly* fails to function as designed or does not meet the test criteria set forth by the CAN/CSA B64.10.1 Manual for Maintenance and Field Testing of Backflow Preventers a *Consumer* must repair or

replace the *Backflow Preventer*, retest it and promptly provide the Village with a *Backflow Assemble Test Report*.

9. TEMPORARY WATER USE CONNECTION

- 9.1. Except for emergency fire use, no *Person* shall connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or appliance to a fire hydrant, stand pipe or any other temporary water connection:
 - 9.1.1. In a manner which, under any circumstances, may allow *used water*, wastewater or any liquid or substance of any kind to enter the Village *waterworks system*;
 - 9.1.2. Without using an *Approved Backflow Prevention Assembly* which has been approved and installed in accordance standards established by Canadian Standard Association.
 - 9.1.3. Without first obtaining a *Hydrant or Temporary Water Use Permit*.
- 9.2. In addition to any other penalties that may be applicable under this bylaw, any *Person* who contravenes this section may be refused access to *Service* through the use of a fire hydrant or temporary water connection.

10. AUXILIARY AND NON-POTABLE WATER SUPPLIES

- 10.1. An *Owner* or *Occupant* of a premise that contains or has access to an *Auxiliary Water Supply* or *system* must ensure:
 - 10.1.1. Premises isolation of such facility with a *Backflow Preventer* corresponding to the degree of hazard as stipulated in the CSA B64.10.
 - 10.1.2. There shall be no direct connection between a *non-potable water system* and any other *potable water system*.
 - 10.1.3. All piping, exposed standpipes, fittings, valves and outlets for non-potable water systems must be permanently identified by a color or label and in conformance with CSA B128.1/B128.2 Design and installation of non-potable water systems/Maintenance and field testing of non-potable water systems (most current edition).

11. COMMERCIAL AND AGRICULTURAL IRRIGATION USE

- 11.1. Where a *Cross Connection* exists between the Village *waterworks system* and a private water system, in addition to other requirements of this bylaw the *Consumer* must, at the *Consumers* expense:
 - 11.1.1. Before operation of the commercial or agriculture irrigation system, cause the *Approved Backflow Prevention Assembly* to be inspected and tested by a *Backflow Assembly Tester*, in accordance with section 8;

- 11.1.2. Before introducing any fertilizers, chemicals or any other substance detrimental to health into an irrigation piping system, install and use an approved reduced pressure principal backflow assembly.

12. GENERAL PROVISIONS

- 12.1. In addition to the any other provisions of this bylaw, the *Water Operator* or *Building Official* may at any time order a *Consumer*, at the *Consumers* expense, to conduct a *backflow assembly test*, provide reports and undertake whatever other measures required to prevent the contamination of the potable water system.
- 12.2. Where a time frame is set out in Schedule B of this bylaw for carrying out any action, the Village may extend the time frame for compliance beyond the established time frame on approval by the *Manager*.

13. OFFENCE AND PENALTY

- 13.1. This Bylaw may be enforced by the Village Official, a bylaw enforcement officer, or another person designated by the Chief Administrative Officer.
- 13.2. Every person who contravenes any provision of this bylaw, or who causes, permits, suffers or allows any act or thing to be done in contravention of this bylaw, or who fails to do any act or thing required by this Bylaw, commits an offence against this bylaw and upon conviction of an offence, shall be liable to:
 - (a) pay a fine established in the Village of Pemberton Municipal Ticket Utilization Bylaw, as amended from time to time; or
 - (b) if proceedings are brought under the Offence Act, pay a fine and/or penalty of not less than One Hundred Dollars (\$100) and not more than Ten Thousand Dollars (\$10,000), plus the costs of prosecution, and any other order imposed.
- 13.3. Each day that a violation exists or is permitted to exist constitutes a separate offence.
- 13.4. Pursuant to section 264(1)(b) of the *Community Charter*, Bylaw Enforcement Officers are designated to enforce this Bylaw.
- 13.5. Pursuant to section 264(1)(c) of the *Community Charter*, the words or expression in Column 2 of Schedule A to this Bylaw designate the offence committed under the Bylaw section numbering appearing in Column 1 opposite the respective words or expression.
- 13.6. Pursuant to section 265(1)(a) of the *Community Charter*, the fine amount in Column 3 of Schedule A to this bylaw is the fine amount that corresponds to the section number and words or expression set out in Columns 1 and 2 opposite the fine amount.

13.7. Any disputed tickets may be dealt with by the Chief Administrative Officer, the Corporate Officer or any Bylaw Enforcement Officers.

14. FEES AND COST RECOVERY

14.1 Where a *person* fails to pay the Village's costs as required by this bylaw or where a *person* subject to an order under this bylaw fails to take action required by the order and the Village carries out the work or otherwise fulfills the requirement, the Village may recover its costs from the owner, occupier or person responsible for the work or for payment of the costs, as a debt to the Village. Money owed to the Village under this bylaw is payable upon receipt of an invoice from the Village.

14.2 If an amount owing under this bylaw for work done or services provided to land or improvements remains unpaid on December 31st of the year in which the debt was incurred, the amount is deemed to be taxes in arrear and may be collected from the owner of the land or improvements in the same manner and with the same remedies as for property taxes.

15. SCHEDULES

The following schedules are attached to and form part of this bylaw and are enforceable in the same manner as this bylaw:

15.1 Schedule A attached to this Bylaw form a part of this Bylaw.

15.2 Schedule B attached to this Bylaw form a part of this Bylaw.

READ A FIRST TIME this **2nd** day of **October, 2018**.

READ A SECOND TIME this **2nd** day of **October, 2018**.

READ A THIRD TIME this **2nd** day of **October, 2018**.

ADOPTED this **day of** , **2018**.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Schedule A
Fine Schedule

Description of Offence	Section	Daily Fine
a. Fails to eliminate a <i>Cross Connection</i> or control a <i>Cross Connection</i> by the Installation of a Backflow Preventer upon given notice.	7.2	\$ 500.00
b. Fails to inspect and test an Approved Backflow Prevention Assembly, using a backflow assembly tester, upon installation, after repair and then every consecutive twelve (12) month period thereafter.	8.2	\$ 200.00
c. Where a Person removes a Backflow Preventer from a plumbing system without prior written consent of the Water Operator or Building Official	8.4	\$ 200.00
d. Where an Owner or Occupant Fails to repair and retest an Approved Backflow Preventer in the time period specified in a notice issued by the Village. .	8.5	\$ 200.00
e. Where a Person connects to a fire hydrant, stand pipe or other temporary water connection without using an Approved Backflow Prevention Assembly and without obtaining a hydrant or temporary water use permit.	9.1.2 & 9.1.3	\$ 200.00
f. Where an Owner or Occupant creates a direct connection with a non-potable auxiliary water system without the approval by the Water Operator.	10	\$ 500.00

Schedule B

Time Period Schedule

Description	Section	Time Period
1. Installation of a Backflow Preventers		
a. 2 inch and smaller devices		90 days from a notification issued by the Village of Pemberton.
b. 2 inch and larger devices		90 days from a notification issued by the Village of Pemberton
c. Fire Sprinkler System Backflow Preventer		During the next system upgrade or significant piping changes as necessary to the fire sprinkler system
2. Test required of an Approved Backflow Prevention Assembly	8.3	30 days
3. Repair of an Approved Backflow Prevention Assembly	8.5	30 days

Date: October 2, 2018
To: Nikki Gilmore, Chief Administrative Officer
From: Lisa Pedrini, Senior Planner
Subject: Recreational Cannabis Retail Sales – Amended Policy

PURPOSE

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

BACKGROUND

On September 4, 2018 Staff presented, for the Committee of the Whole's consideration, a Draft Non-Medical (Recreational) Cannabis Retail Policy that would establish criteria for cannabis retail sales in the Village of Pemberton and guide decision making on provincially referred applications. The recommendation of the Committee was brought forward to the Regular Council Meeting No. 1476 held later that day and the following resolution was passed:

Moved/Seconded

THAT the Committee of the Whole recommend to Council that the Draft Cannabis Retail Policy be supported, subject to the removal of the distancing requirements from public spaces and other cannabis retail businesses; the addition of limiting cannabis retail to the C-1 Zone with a cap of two; the addition of an assessment fee of no less than \$500; amendment to the permitted hours of operation to align with provincial legislation; and the amendment of the Business Licence fee to no less than \$1,500 annually;

AND THAT once amended, the Draft Cannabis Retail Policy be referred to the public and the following stakeholders for review and comment by the end of September: RCMP, Vancouver Coastal Health, Pemberton Medical Clinic, Sea to Sky Community Services, the Lil'wat Nation, Squamish-Lillooet Regional District, Pemberton and District Chamber of Commerce, Tourism Pemberton, Schools and School District #48.

CARRIED

REFERRAL COMMENTS

The amended Draft Policy was referred out to important stakeholders and the following responses were received by the Village.

Lil'wat Nation

In a phone conversation, Harriet VanWart Director, Land and Resources Department, Lil'wat Nation advised staff that the item was referred to their Lil'wat Nation Land Use Referral Committee, whom in turn referred it to Chief and Council. The next Lil'wat Nation Council meeting is scheduled for the same date/time as the next Village of Pemberton Council's, so Lil'wat are not yet able to respond to this referral.

Pemberton and District Chamber of Commerce

In an email dated September 25 2018, Graham Turner, President of the Chamber responded by noting that the Board of Directors did not have any issues with the Draft Policy and that Chamber members, who were encouraged to fill out the survey as a means of giving their individual feedback, did not forward any critique of the policy, but rather only two positive responses were received.

Pemberton Medical Clinic

In an email received September 27 2018, Dr. Jim Fuller noted that the position of the Pemberton Medical Clinic is that they cannot oppose Cannabis Retail but feel it should be regulated in the same manner (or even stricter) as a liquor store. They see benefit in using the Temporary Use Permit process as a means to test the use in case there are problems, rather than predetermining the zoning which would be difficult to revoke in that eventuality. They would like to see posters/notices explaining that cannabis may cause addition/impaired driving/mental health problems.

Pemberton Secondary School

In a letter dated September 18, 2018, Krista Brynjolfson, Principal of Pemberton Secondary noted their opposition to the removal of setback requirements in the Draft Policy. She encouraged Council to consider increasing setback limits to 300 m which would bring them into line with most other municipalities. This letter is attached as **Appendix A**.

RCMP

In an email dated September 25, 2018, Corporal Mike Hamilton responded with five main points:

- Restricting the use to the Town Centre (C-1) zone is preferred over the Industrial Park (M-1) zone as it is believed this may increase impaired driving.
- Not using a distance requirement of higher than 100 m from schools, daycares, libraries, playgrounds and other locations minors congregate does not seem socially responsible.
- The maximum number or cap of two (2) stores is supported.
- It is recommended that the Village restrict the hours of operation from 9 am to 9 pm to limit impaired driving from those that may [impulsively] decide to purchase cannabis after leaving restaurants or bars downtown.
- It is recommended that the Village take a stricter approach to where cannabis retail can be consumed. The concern was that marihuana smoke is exponentially more odorous than tobacco, and that its use affects those greater especially those in close proximity. Consuming cannabis in public should be treated similar to open alcohol. Walking down the street smoking cannabis would not be socially acceptable to be in the same way

that it is not socially acceptable walk down the street drinking a bottle of liquor, in that both are consumed to become, to a degree, impaired or intoxicated.

School District #48

In a letter dated September 18, 2018, Mohammed Azim, Secretary-Treasurer for School District #48, outlined the Board of Education's strong opposition to the proposed abolishment of setback limits in the Draft Policy. They noted having a similar situation recently in the District of Squamish, and encouraged the Village of Pemberton to consider increasing setback limits to 300 metres. Any changes to the reduction or abolishment of the proposed limits [i.e., 100m] would be a significant concern and would not be supported by the Board of Education. Their letter is attached as **Appendix B**.

Sea to Sky Community Services

No response was received from Sea to Sky Community Services.

Signal Hill Elementary School

In a phone conversation held September 26, 2018, Roberta Kubik, Principal, Signal Hill Elementary expressed the preference for requiring a rezoning application, rather than pre-zoning areas to allow the use in Pemberton. She acknowledged that distance requirements were difficult to implement given the sheer size of Pemberton, and emphasized instead the importance of awareness and education, both for kids and adults, on the potential negative effects of Cannabis use on the brain and adolescent mental health.

Squamish-Lillooet Regional District

In a letter dated September 13 2018, Staff from the SLRD Planning Department responded by noting that SLRD interests are unaffected by the proposed policy, but that staff are supportive of the opportunity for input. They appreciate the use of a policy to clearly outline conditions of use. They note that the land use and zoning parameters seem reasonable. They recommend that the Village also provide notice in the local newspaper, in addition to the written notification to those within 100 m of a potential Recreational Cannabis retailer. Their letter is attached as **Appendix C**.

Tourism Pemberton

In an email dated September 26 2018, Mark Mendonca, President of Tourism Pemberton, indicated that the Board of Tourism Pemberton will refrain from comment at this time, but will continue to discuss at a future Board Meeting.

Vancouver Coast Health

In an email dated September 11 2018, the Village was notified that the Medical Health Officer Dr. Mark Lysyshyn approves of the proposal from a health perspective but recommended that the more restrictive hours of operation that Staff had originally proposed (9am-9pm) be implemented instead of permitting operation to occur between 9am-11pm. The rationale was that current research shows that longer operating hours may increase harm and impaired driving.

PUBLIC CONSULTATION

The Village amended the Policy based on Council's directions and posted the amended version on its website with a short survey to solicit feedback from the community at large. The survey was available for two (2) weeks from September 10th to September 24, 2018 and garnered one hundred (100) responses. The response rate represents nearly 5% of the population of Pemberton. Staff also hosted two (2) pop-up consultation booths at the Farmers' Markets held Friday September 7th and 21st. The total response includes those who filled out paper copies during the market and those that participated on-line. A general summary of the results follows:

- **Demographics**

The majority of respondents identified themselves as 'Residents of Pemberton' (69%) and 'Property Owners within the Village of Pemberton' (40%). Less than one quarter of the respondents noted they were 'Business Owners within the Village of Pemberton' (22%). The majority of respondents were aged 35 – 44 (36%), with 44-54 being the second highest age group (25%), and those aged 25 – 34 the next highest (18%).

- **Support for Notifying Residents, Businesses and Property Owners within 100 m of a potential location**

The majority of respondents (62%) supported the proposed notification process to inform residents, property owners and businesses within 100 m of a potential Cannabis retail location. More than a quarter (27%) did not support the proposed method of notification and 11% were unsure. For those that did not support the proposed method of notification, approximately half felt that unless a similar notification process was necessary for alcohol sales, it was not necessary for Cannabis sales, while conversely the other half felt the notification distance requirement should be expanded.

- **Support for Permitting the Use in Pemberton's Downtown**

A high percentage of respondents (78%) supported the Village's intention to amend the Zoning Bylaw to allow Cannabis Retail Business in the Town Centre Commercial (C-1) Zone. Less than one quarter (21%) of respondents expressed their opposition to this direction and one person (1%) noted they were unsure.

The survey asked those 'not in support of permitting Non-Medical Cannabis Retail in the C-1 Zone', to answer where they felt was the most appropriate location or zone was. Out of the twenty-nine (29) respondents that answered this question, over half (15/29) suggested the 'Industrial Park'. An equal number of respondents (5/29) felt it was more appropriate to locate it in "*any commercial zone*" as opposed to those (5/29) who did not want to see it "*anywhere in the Village.*"

The following are samples of the range of qualitative data received to this question:

- "*Industrial. But I feel I could keep an eye on my children easier if it was in town.*"

- *“Industrial area – further away from schools, parks and where my children frequent.”*
- *“All locations should be considered. Limiting the zone shows a biased benefit for those property owners.”*
- *“We do not believe the sale of non-medical cannabis in our community should be encouraged in any way. With a large First Nations community already struggling with addiction and an increasing young family community, we feel - despite recent changes in the legalization of cannabis - that this does not support the type of community we want to be part of.”*

- **Support for Restricting the Use to the C-1 instead of using Distance Requirements**

When asked to indicate their support for not using distance requirements to separate the use from schools and other youth-oriented uses such as the community centre and the skateboard park, and instead confining the use to the Town Centre (C-1) Commercial Zone, a little more than half of respondents (52%) supported this direction. Approximately one third (32%) did not support this and 17% were unsure.

- **Support for Restricting the Number of Retail Cannabis Business in Pemberton to Two**

Similarly, when asked to indicate their support for not applying distance requirements from one retail business to another to avoid a concentration of the use in any one area, and instead restricting the total number of Cannabis retailers to a maximum of two (2), a little more than half (53%) supported this direction, less than one third (30%) did not support this and 17% were unsure.

- **Support for not restricting Business Hours**

When asked whether respondents supported the proposed maximum operating hours of 9am to 11 pm, a majority (59%) of respondents were supportive, while 36% were not supportive and 4% were unsure.

For the 36% respondents that did not support the proposed operating hours of 9am to 11 pm, the majority of these (62%) preferred limiting the operating hours to 9am to 9pm, with the remaining (38%) noting that 9am to 6pm would be more appropriate. Many also responded that it should be the same as the BC liquor store, and a few suggested the possibility of closing at 6pm on Sundays.

- **Further Suggestions**

The survey asked respondents to share any other suggestions they had on this Policy. The following are samples of further comments made:

“Keep signage discreet. Make decisions based around how impressionable our children are.”

“Signs in the store and on packaging - Do not Smoke and Drive”

“Keep the costs reasonable – do not limit the opportunity for smaller businesses to open, or we will only encourage pot monopolies.”

“Consider cannabis in the same vein as liquor sales.”

“Put an additional buffer for commercial spaces with residential units. Apply distance requirements for mixed use buildings.”

“Do not limit the amount of Cannabis retail stores as we live in a democracy and completion is part of the democratic way.”

“Do not allow use near where minors are. Period.”

“Areas of public consumption should be restricted. Not everyone likes the smell.”

“Frequent review for compliance with regulations such as security cameras working. Stiff fines for breach of regulations.”

“Parents educate their children about the experience with cannabis, explain the risks of the drug just like coffee and alcohol.”

Consultation results are attached as **Appendix D**.

AMENDED POLICY

Based on the consultation results summarized above, Staff proposed a few amendments to the Draft Policy to take into account the feedback collected. The amended policy is attached as **Appendix E**. Changes to applicable sections are noted in *italics* below along with an explanation of the pros and cons of each amendment.

Licensing Referrals and Notification

Notification will be conducted via a written notice delivered to those residents, businesses and property owners within 100 m of the proposed location *and two (2) consecutive ads the local newspaper. The information will also be available on the Village website.*

Pros: This direction is recommended by the SLRD and will help notify all residents of potential Cannabis retail uses in the C-1 Zone.

Cons: This direction is over and above what the Village does to notify residents about liquor licences.

Land Use and Zoning

The Village will amend the Zoning Bylaw to permit Retail Cannabis (recreational) as a permitted use in the Town Centre Commercial (C-1).

A Draft Zoning Amendment Bylaw, No. 847, 2018 is attached to this report as **Appendix F** for Council’s consideration of First and Second Reading.

Pros: This direction is clearly supported by the RCMP, and nearly 80% of the public that participated in the Village survey. It is interpreted to be supported by the SLRD, VCH and the Chamber. This policy direction allows the Village to send a positive recommendation to the Province for any application referrals for locations within the C-1 Zone.

Cons: Staff interprets this direction as not supportable by the Pemberton Medical Clinic (who would prefer the Village use a Temporary Use Permit) or Signal Hill Elementary (which stated a preference for applicants pursuing a rezoning application). This direction is not supported by 21% of the public who participated in the survey. This direction does not contemplate permitting the use in the Industrial Park which was stated as an appropriate alternative to C-1.

Conditions of Use

Pemberton has a very small footprint and as a result its Town Centre Commercial area is generally proximate to many public uses. Given this, Council directed Staff to abandon using distance requirements as a buffer between retailers and schools, the community centre, youth centre, etc. Instead, the Village has proposed to restrict the use to the Town Centre Commercial (C-1) zone. This approach was supported by over half of the survey respondents. However, the RCMP, School Board and the Pemberton Secondary School are all opposed to the abandonment of distance requirements.

Staff recommends utilizing using a minimum distance requirement of 100 m from Cannabis Retail and Schools, the Community Centre, the Daycare, the Library, Skateboard Park, and BMX Track, to ensure that recreational cannabis businesses are not located in close proximity to areas frequented by minors, as well as restricting the use to applicable properties within the C-1 Zone.

This would also prevent the establishment of Cannabis Retail in the C-1 zoned properties located on Pemberton Portage Road (i.e. the area where the Pony, the Animal Barn and the Nursery are located) which is in close proximity to both the Elementary and Secondary Schools. Staff prepared a map depicting what the result would look like if distance requirements at increments of 100 m and 150 m were applied from the edge of School properties to the Town Centre. A map depicting the resulting buffer is attached to **Appendix E**.

Pros: This direction is recommended by RCMP, School District #48, Pemberton Secondary High School and is supported by almost one third (31%) of survey respondents. This prevents Cannabis retailers from locating on Pemberton Portage Road, mere blocks from both schools.

Cons: Confining it the C-1 Zone, rather than using distance requirements, was supported by the Chamber and 52% of the population.

The Village will continue to 'cap' (limit) the total number of retail cannabis business retails located in the C-1 Zone to two (2).

Pros: This direction is supported by the RCMP, Chamber of Commerce, and over half of Survey Respondents.

Cons: This direction is not supported by nearly 1/3 of survey respondents.

Operating Hours

The Village will permit Cannabis Retail Operations to operate between the hours of 9:00am to 9:00pm.

Pros: This direction is recommended by Vancouver Coastal Health, and the RCMP, and is supported by 36% of survey respondents.

Cons: This direction was not supported by the Chamber of Commerce, 59% of survey respondents and limits Cannabis retailers the opportunity to stay open as late as 11:00pm, if desired.

COMMUNICATIONS

Notification of a Public Hearing 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 recreational cannabis will be legal in Canada as of October 17, 2018.

IMPACT ON BUDGET & STAFFING

Development of policy, procedures and communication respecting Cannabis retail sales within the Village of Pemberton and the preparation of the zoning amendment has been facilitated in-house.

INTERDEPARTMENTAL IMPACT & APPROVAL

The development of a policy and an amending bylaw has involved the departments of Operations & Development Services and Corporate and Legislative Services. The Office of the CAO has facilitated the communications elements associated with policy development.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

Comments were sought from the Squamish-Lillooet Regional District and Lil'wat Nation to gauge impacts on the region. The SLRD has informed that their interests are unaffected. The Village is awaiting comments from the Lil'wat Nation once the item is addressed by Chief and Council at their meeting scheduled for October 2, 2018, beginning at 7:00pm.

OPTIONS FOR CONSIDERATION

Option 1: Support the amended Policy, as presented by Staff and give the proposed Amendment Bylaw First and Second Reading.

This is the option supported by Staff.

Option 2: Do not support the amended Policy and direct Staff to make further changes but still give the Proposed Amendment Bylaw First and Second Reading.

Option 3: Another option as directed by Council.

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

First Recommendation:

THAT Council adopts the Village of Pemberton Non-Medical (Recreational) Cannabis Retail Policy as presented.

Second Recommendation:

THAT Zoning Bylaw No. 832, 2018, Amendment (Cannabis, Retail) Bylaw No. 847, 2018 be given First and Second Reading;

AND THAT staff arrange for a Public Hearing on Zoning Bylaw No. 832, 2018, Amendment (Cannabis, Retail) Bylaw No. 847, 2018 for Tuesday October 16 at 7:00pm.

Attachments:

Appendix A: Letter from Pemberton Secondary School, dated September 18, 2018

Appendix B: Letter from School District #48 Board of Directors, dated September 18, 2018

Appendix C: Letter from SLRD, dated September 13, 2018

Appendix D: Survey results

Appendix E: Amended Policy with Buffer Map

Appendix F: Zoning Amendment Bylaw No. 847, 2018

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



Pemberton Secondary School
School District #48

September 18, 2018

Lisa Pedrini
Senior Planner, Development Services
Village of Pemberton
Box 100, 7400 Prospect Street
Pemberton, BC
V0N 2L0

Dear Lisa:

Re: Proposed Non-Medical (Recreational) Cannabis Retail Policy

On behalf of Pemberton Secondary School, I am writing to strongly object to the proposed abolishment of setback limits.

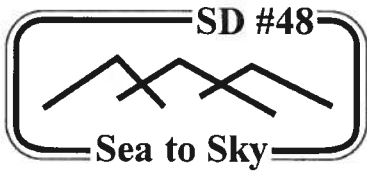
We would like to encourage the Village of Pemberton to consider increasing setback limits to 300 meters which would bring them into line with the current limits set in most other municipalities' current limits.

Any changes in the reduction or abolishment of the Village of Pemberton's current limits would be a significant concern that would not be supported by Pemberton Secondary School.

Should you require additional comments, please contact School District No.48 Secretary-Treasurer, Mohammed Azim, at mazim@sd48.bc.ca or at 604-892-5528 ext 104.

Yours truly,

Krista Brynjolfson
Principal
Pemberton Secondary School



SCHOOL DISTRICT NO. 48

◆ Squamish ◆ Whistler ◆ Pemberton

September 18, 2018

Lisa Pedrini
 Senor Planner, Development Services
 Village of Pemberton
 Box 100, 7400 Prospect Street
 Pemberton, BC
 V0N 2L0

Dear Lisa:

Re: Proposed Non-Medical (Recreational) Cannabis Retail Policy

On behalf of The Board of Education for School District No. 48 I am writing to strongly object to the proposed abolishment of setback limits.

Having recently discussed a similar situation in relation to the District of Squamish, we would like to encourage the Village of Pemberton to consider increasing setback limits to 300 metres which would bring them into line with the current limits in most other municipalities' current limits.

Any changes in the reduction or abolishment of the Village of Pembertons current limits would be a significant concern that would not be supported by the Board of Education.

Should you require additional comments, please feel free to contact me.

Yours truly,

Mohammed Azim, CPA, CGA
 Secretary-Treasurer

Signed _____

Authorized Signature



Box 219, 1350 Aster Street
Pemberton, BC V0N 2L0
P. 604-894-6371 TF. 800-298-7753
F. 604-894-6526
info@slrd.bc.ca www.slrd.bc.ca

September 13, 2018

Lisa Pedrini
Development Services
Village of Pemberton
VIA EMAIL: lpedrini@pemberton.ca

Re: Recreational Cannabis Retail Policy – SLRD Referral Response

The SLRD is appreciative of the opportunity to review and provide comments on the Village of Pemberton *DRAFT* Recreational Cannabis Retail Policy.

Generally, SLRD interests are unaffected by the proposed policy. Yet, as the SLRD member municipalities provide the key commercial centres for regional district residents, SLRD staff are supportive of a policy that outlines conditions of use (distancing and operations requirements), while providing space for public input on specific applications. Additionally, the land use and zoning parameters seem reasonable.

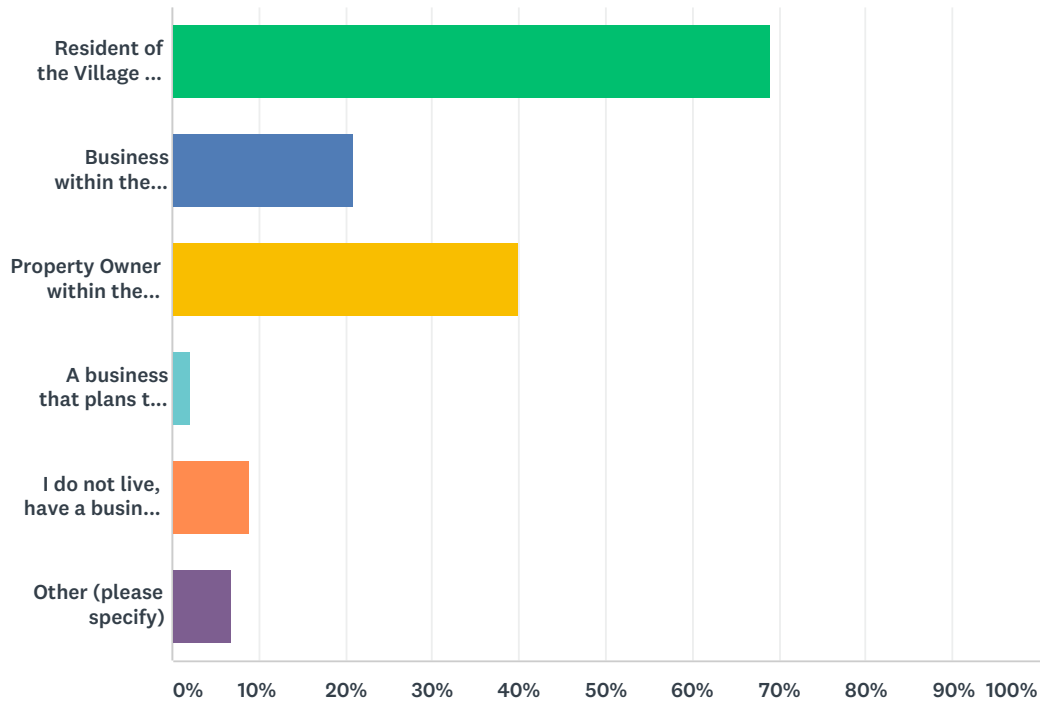
One point of comment relates to the notice approach. The Village of Pemberton may also want to provide notice in the local newspaper, in addition to the written notice to property owners within 100m of the proposed recreational cannabis retail business location. Notification in the local newspaper will enable the broader community to be informed and provide input. This notification may already be contemplated, but it is not clear from the way the Licencing Referral and Notification section is written.

Sincerely,

Claire Daniels
SLRD Planner

Q1 Are you completing this survey as a (choose all that apply):

Answered: 100 Skipped: 0

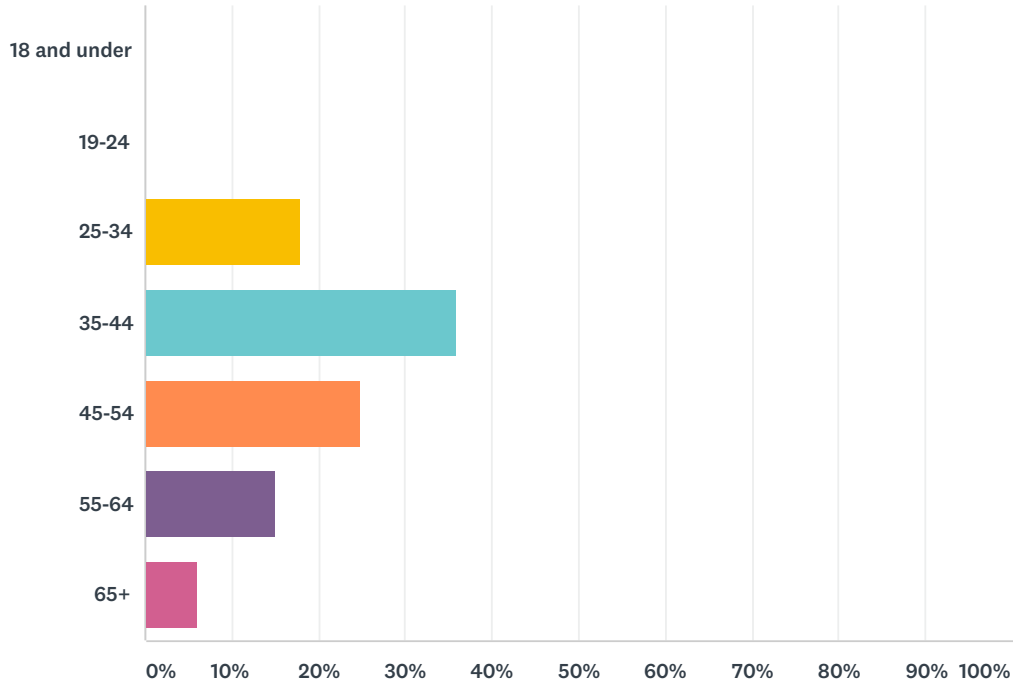


ANSWER CHOICES	RESPONSES
Resident of the Village of Pemberton	69.00% 69
Business within the Village of Pemberton	21.00% 21
Property Owner within the Village of Pemberton	40.00% 40
A business that plans to submit an application to the Province for a Non-Medical (Recreational) Cannabis Retail operation	2.00% 2
I do not live, have a business or own property within the Village of Pemberton	9.00% 9
Other (please specify)	7.00% 7
Total Respondents: 100	

#	OTHER (PLEASE SPECIFY)	DATE
1	work in industrial park	9/24/2018 12:07 PM
2	In slrd but close to town	9/24/2018 6:23 AM
3	Land Developer that might see a potential tenant needing such permission??	9/20/2018 12:51 PM
4	I live in Mount Currie. Pemberton does not operate in a bubble of itself, Pemberton is a business centre to several neighboring communities.	9/19/2018 9:50 AM
5	Don't live in village of Pemberton, but very close too	9/13/2018 7:50 PM
6	Live in slrd	9/13/2018 2:51 PM
7	I have a temporary Business in town	9/10/2018 11:12 AM

Q2 What is your age group?

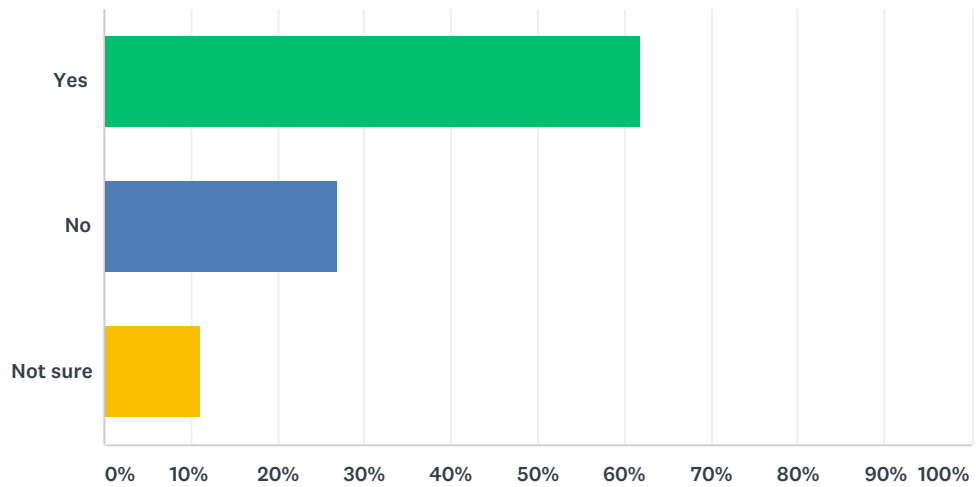
Answered: 100 Skipped: 0



ANSWER CHOICES	RESPONSES	
18 and under	0.00%	0
19-24	0.00%	0
25-34	18.00%	18
35-44	36.00%	36
45-54	25.00%	25
55-64	15.00%	15
65+	6.00%	6
TOTAL		100

Q3 Do you support the proposed notification process to inform residents, property owners and businesses within 100 m of the business location?

Answered: 100 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	62.00%	62
No	27.00%	27
Not sure	11.00%	11
TOTAL		100

Q4 If not, why not?

Answered: 39 Skipped: 61

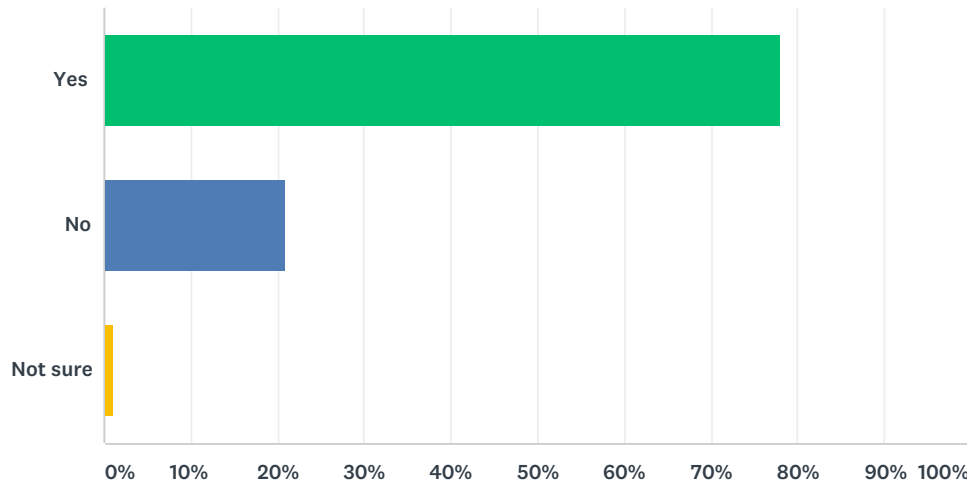
#	RESPONSES	DATE
1	cause why do it for pot and not anything else?	9/24/2018 12:31 PM
2	I think the Village should be notified being confined to the city centre, the same 100m people will be notified everything. Let everyone know.	9/24/2018 12:29 PM
3	is this the same process as an application to sell alcohol?	9/24/2018 12:15 PM
4	Possibly, within 150m or 200m	9/24/2018 10:06 AM
5	To do so may create challenges for owners to secure levies, you are creating roadblocks for a legal business.	9/24/2018 10:04 AM
6	I said yes	9/23/2018 6:41 PM
7	Notifications should be to a wider area, minimum 200m.	9/20/2018 10:04 PM
8	Its legal. Place sane restrictions on liquor stores	9/20/2018 7:05 PM
9	It's a business. It's legal like liquor.	9/19/2018 9:12 PM
10	The notice should go to all of the village.	9/19/2018 3:43 PM
11	If every type of business in Pemberton is subject to the same condition I would say yes but I see no reason why one type of business should be targeted with a special requirement.	9/18/2018 2:17 PM
12	ok	9/18/2018 1:28 PM
13	Do liquor and pharmacies follow those same laws? I'm sure it wouldn't hurt but I believe most are using as some form of medication first and recreation second.	9/16/2018 8:41 AM
14	Should notify if you will be affected by traffic to and from business and at a further distance from store front...	9/15/2018 6:51 PM
15	Because if were another kind of retail shop opening a notice would not be given. If the village does this right there should be no negative connotations from having a cannabis retail store opening	9/14/2018 8:10 PM
16	I do, and think that the distance needs to be increased to take into consideration downtown residents- 100m is not enough- a shop could open without downtown residents even knowing	9/14/2018 2:48 PM
17	Licensing of recreational marijuana stores is such a significant new development for Canadian society as a whole that the opinion of the greater population of the Village of Pemberton should be canvassed.	9/14/2018 2:43 PM
18	n/a	9/14/2018 10:46 AM
19	Once legalized cannabis should be treated just like alcohol. I do not believe liquor stores require such a process so I feel it's unfair to require a neighbourhood's approval for a legal cannabis retailer to operate.	9/14/2018 9:08 AM
20	Every other business in town does not need to be approved by their neighbours, so why segregate?	9/13/2018 11:44 PM
21	the bylaw mentions the village will follow the general feeling of the people notified about the application. But 100 m is not that many people, so it seems that the decision about the application is left to the feelings of a few neighbours. I would like to see the opinions of other business owners or customers also have some impact or consideration for the application, otherwise it gets pretty personal for the applicant.	9/13/2018 9:23 PM

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22	The 100m radius circle feels somewhat arbitrary and will include very different group of respondents if the proposal retail location is at the northern end of town centre vs. the southern end. If a retail operation is proposed across from the Barn on Prospect, does it make sense to invite response from someone living across the train tracks on Aspen, near the high school, but not invite their response if the shop is proposed to be located beside the gas station? I'm not sure that the impact on someone on Aspen will be different between those two locations, but in one case, they'll have a say and in another, they won't. My other concern would be that not all respondents should have equal weight. If I have business immediately beside the proposed shop, the impacts on me (both positive and negative) are likely to be much more significant than the impacts on someone who lives 100 m away on a different street and on the other side of train tracks or up a hill on the Benchlands.	9/13/2018 8:38 PM
23	I think informing is fine but consulting and seeking approval will only result in negative feedback and won't get you anywhere	9/13/2018 7:21 PM
24	The liquor store did not inform residents, property owners or businesses	9/13/2018 2:51 PM
25	They're not selling to minors so it doesn't matter especially in a small town like Pemberton	9/13/2018 2:14 PM
26	Because at the time that this will be happening it will be legal. We don't notify of an upcoming pharmacy which has much worse drugs (ie. oxycodone, methamphetamines). We don't notify of alcohol stores which have much higher mortality rates than marijuana use. Too much of a big deal is being made. If its legal, its LEGAL.	9/13/2018 1:59 PM
27	This should be treated the same as alcohol sales	9/13/2018 1:34 PM
28	N/A	9/13/2018 10:56 AM
29	As with other legal and socially accepted drugs which are regulated -alcohol, nicotine, pharmaceuticals there is no such need for notification. Unregulated, highly addictive and mood altering caffeine is not regulated.	9/11/2018 8:03 PM
30	Should include a much wider area. Paper notifications seem outdated and wasteful.	9/11/2018 7:27 AM
31	Would prefer if the reasons for lack of support was provided to the applicant with the applicant allowed to try to address the concerns and final decision made by the village.	9/10/2018 7:19 PM
32	Its legal. Was this the case when liquor stores were approved or there location changed.	9/10/2018 5:02 PM
33	no need, it's federally legal	9/10/2018 11:59 AM
34	same as liquor store informing	9/10/2018 11:25 AM
35	Should be same as alcohol	9/10/2018 9:39 AM
36	It will be a legal business, do we have the same rules for places selling alcohol	9/10/2018 9:24 AM
37	I support the notification area and process	9/10/2018 9:15 AM
38	It just doesn't seem like we're creating an open/accepting environment. We're sort-of setting them up to be protested. Cannabis businesses are not registered sex-offenders.	9/10/2018 9:15 AM
39	Doesn't seem necessary	9/10/2018 9:14 AM

Q5 Do you support amending the Village of Pemberton Zoning Bylaw No. 832, 2018 to permit cannabis retail businesses in the Town Centre Commercial (C-1) Zone of the Village of Pemberton?

Answered: 100 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	78.00%	78
No	21.00%	21
Not sure	1.00%	1
TOTAL		100

Q6 If you do not support Non-Medical Cannabis Retail in the C-1 Zone, please tell us where you think the most appropriate location(s)/zone(s) would be?

Answered: 29 Skipped: 71

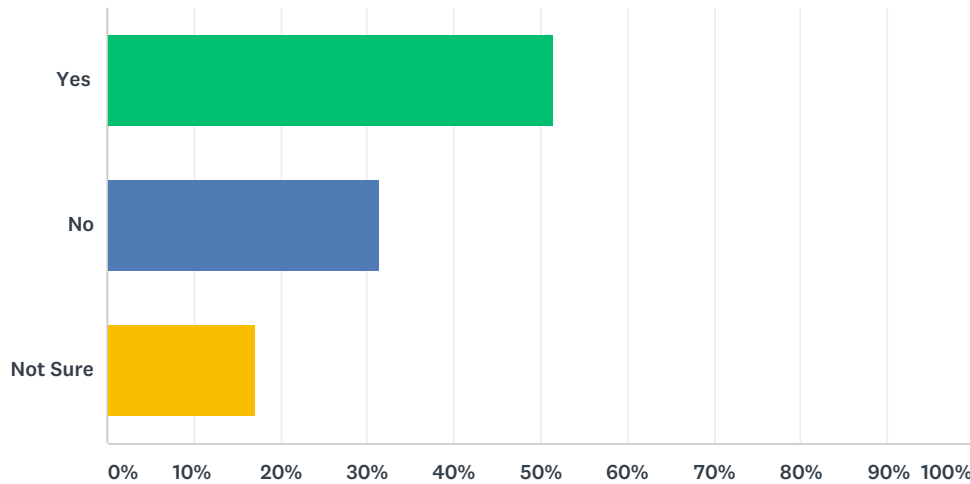
#	RESPONSES	DATE
1	Industrial? But I feel I could keep an eye on my children easier if it was in town.	9/24/2018 12:26 PM
2	industrial park	9/24/2018 12:18 PM
3	industrial area. further away from schools, parks, and where my children frequent	9/24/2018 12:10 PM
4	or possibly at the Industrial Park	9/24/2018 10:06 AM
5	Not sure ... do not want near NMC retail near the schools and park/playgrounds etc...	9/24/2018 6:23 AM
6	I support it. However the industrial park could be a good location as well.	9/23/2018 6:41 PM
7	Not in the village	9/21/2018 8:17 PM
8	Periphery retail units outside of the downtown core.	9/20/2018 10:04 PM
9	I think any Business zone including the Business park where the growers are? It should not be limited to C-1! No residential zones unless Multi-use.	9/20/2018 12:51 PM
10	If you look at similar business in Vancouver these business attract an undesirable crowd that hangs around the store	9/19/2018 3:43 PM
11	I think retail location should be allowed on any commercial land anywhere in Pemberton. Why should people have to come to the town centre to shop? I think if there are suitable locations outside of the town centre they should be allowed as well such as a long the highway or even the Business Park too.	9/18/2018 2:17 PM
12	ok	9/18/2018 1:28 PM
13	All locations should be considered. Limiting the zone shows a biased benefit for those property owners	9/16/2018 8:35 AM
14	I support.	9/15/2018 6:51 PM
15	C-1 is fine	9/14/2018 8:10 PM
16	The Industrial Park- away from schools/family homes and public parks	9/14/2018 2:48 PM
17	The most appropriate zone is the M-1 industrial zone, near existing similar infrastructure such as the distillery/brewery. This naturally provides a reasonable minimum distance from schools while also collocating closer to similar retailers/operations. Keep the small town centre appreciable when walking or biking and keep it focused on general use, not overly-specific uses. The industrial zone is not too far out of town and it is a more logical fit. Most visiting and residential population can appreciate the use of C-1 shops, grocers, and restaurants, for example, but a cannabis retail location subtracts from already minimal real estate which will otherwise be used for general purpose growth. If the community momentum really wants C-1 used for this purpose, at least instill strict facade design criteria to ensure whatever is built isn't an eyesore compared to surrounding shops. The newer mixed business/condo developments have done a great job at keeping an appreciable uniform "style", for example.	9/14/2018 10:54 AM
18	n/a	9/14/2018 10:46 AM
19	Any zone is fine with me, downtown or otherwise. If most people feel the need to hide a cannabis retailer from downtown pedestrian traffic, the industrial park near Mt. Currie would be a great option.	9/14/2018 9:08 AM
20	Industrial park	9/13/2018 10:11 PM
21	INDUSTRIAL PARK. OR NEAR THE RCMP BUILDING	9/13/2018 4:37 PM

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22	I do support C-1 but would also like the Village to consider M-1 if the Lil'wat Nation is not opposed to this.	9/13/2018 3:38 PM
23	We do not believe the sale of non-medical cannabis in our community to should be encouraged in anyway. With a large first nations community already struggling with addiction and an increasing young family community we feel despite recent changes in the legalization of cannabis that this does not support the type of community we came to be part of.	9/13/2018 3:11 PM
24	I think that it could still be restricted to a smaller area in the red but at least it is away from the schools.	9/13/2018 11:35 AM
25	No where.	9/13/2018 11:33 AM
26	Industrial Park	9/13/2018 10:56 AM
27	You should also include the Industrial Park where you already have alcohol sales. as well as the C-1 Zone.	9/13/2018 10:52 AM
28	Nowhere	9/11/2018 7:27 AM
29	I am not keen on seeing this in the downtown so close to schools and parks - I would suggest maybe the Industrial Park might be better especially since there are so many unknowns.	9/10/2018 9:15 AM

Q7 Do you support not applying distance requirements from public uses, such as schools, parks and playgrounds, but confining the use just to the C-1 zone?

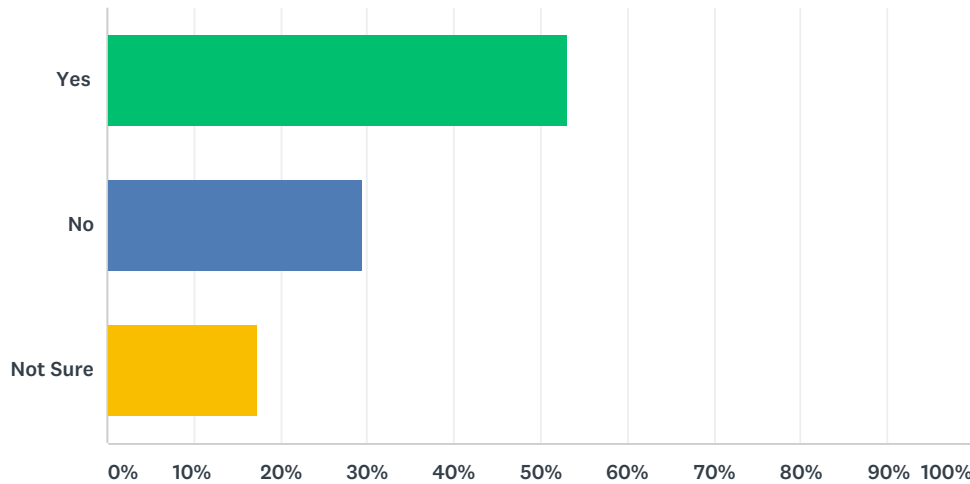
Answered: 99 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	51.52%	51
No	31.31%	31
Not Sure	17.17%	17
TOTAL		99

Q8 Do you support not applying distance requirements from public other cannabis retail businesses, but instead restricting the number to a maximum of two (2) in the C-1 Zone?

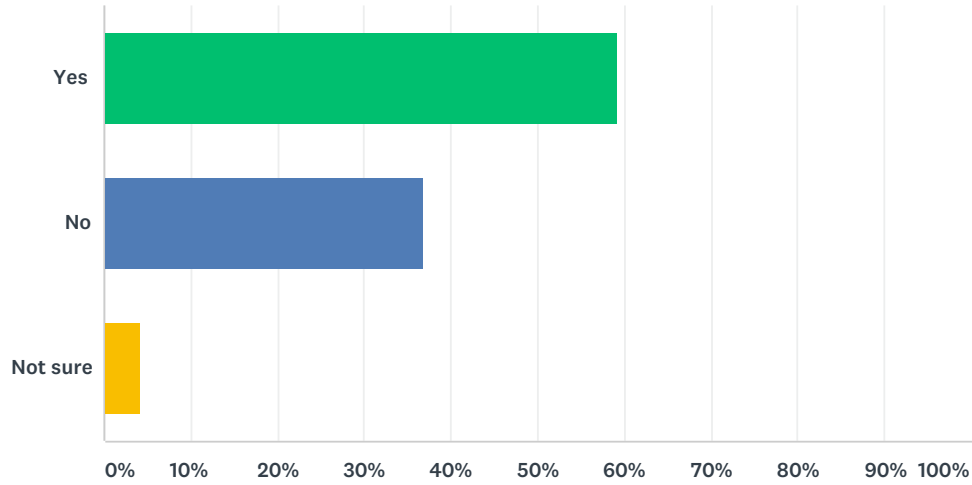
Answered: 98 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	53.06%	52
No	29.59%	29
Not Sure	17.35%	17
TOTAL		98

Q9 Do you support the operating hours of 9am to 11pm?

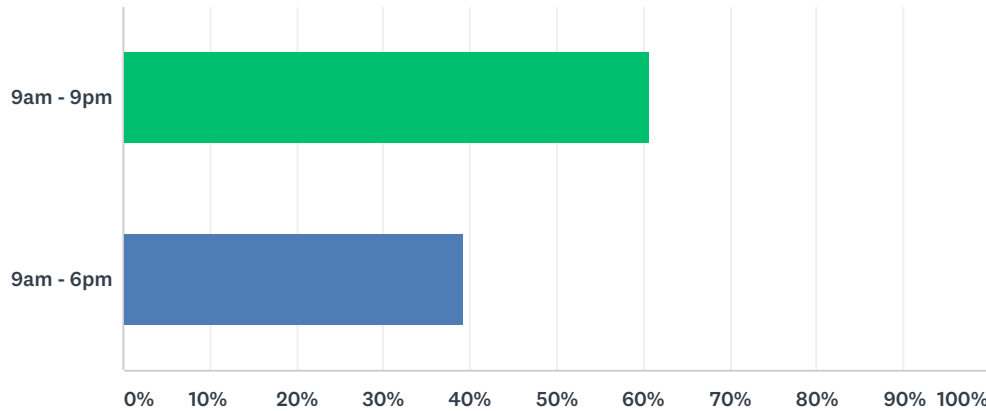
Answered: 98 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	59.18%	58
No	36.73%	36
Not sure	4.08%	4
TOTAL		98

Q10 If you do not support the proposed operating hours of 9am to 11pm, what hours do you feel are most appropriate?

Answered: 33 Skipped: 67



ANSWER CHOICES	RESPONSES
9am - 9pm	60.61% 20
9am - 6pm	39.39% 13
TOTAL	33

#	OTHER (PLEASE SPECIFY)	DATE
1	Same hours as liquor store	9/24/2018 12:26 PM
2	Same hours as liquor store	9/24/2018 10:06 AM
3	9-6 Sunday, Monday to Thursday. Til 9 on Friday & sat.	9/24/2018 6:23 AM
4	6 Pm-12 am	9/21/2018 8:17 PM
5	or same as BC Liquor	9/21/2018 2:59 PM
6	Only open during school hours	9/19/2018 3:43 PM
7	ok	9/18/2018 1:28 PM
8	As most other states open until 6. But if staff want to work. I would stay open since the convenience of finishing work at 1030 and still being able to buy a beer or joint is nice	9/16/2018 8:41 AM
9	11am-2pm	9/16/2018 8:35 AM
10	I support	9/15/2018 6:51 PM
11	9AM TO 4PM	9/13/2018 4:37 PM
12	9pm - 6pm on Sundays	9/13/2018 3:38 PM
13	We do not support having this kind of facility being in such a small community	9/13/2018 3:11 PM
14	I feel if the business operates for later hours this could be a cause for concern to anyone in the downtown core who happens to be walking around and there is a confrontation at the business.	9/13/2018 1:41 PM
15	10 am to 6pm or similar to the BC liquor store hours	9/13/2018 11:35 AM
16	None.	9/13/2018 11:33 AM
17	N/A	9/13/2018 10:56 AM
18	Support	9/10/2018 7:58 PM

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19	Support the hours proposed	9/10/2018 7:19 PM
20	would prefer maybe 11 - 7 or something - not keen on 12 hours if it has to be in the downtown. If at the Industrial Park then would not have an issue with the hours the Province has put forward	9/10/2018 9:15 AM

Q11 Do you have further suggestions or considerations for the DRAFT Non-medical (Recreational) Cannabis Retail Business Policy?

Answered: 39 Skipped: 61

#	RESPONSES	DATE
1	-it seems the plan would cost the business owner a lot of start up. Eliminating or limiting the opportunity for a smaller business to open - allowing pot monopoly in Pemberton.	9/24/2018 12:29 PM
2	can this be considered in the same vein as liquor sales?	9/24/2018 12:15 PM
3	keep signage discreet. make decisions based around how impressionable our children are.	9/24/2018 12:10 PM
4	signs in the store and on packaging, "do not smoke and drive".	9/24/2018 10:06 AM
5	Do not want to see this in the down town core... would like to see how this rolls out, identify any problems concerns and then maybe in the future we can consider an in town locations. Based on the size of our community I would support one location... not multiple non medical cannabis retail businesses.	9/24/2018 6:23 AM
6	Not at this time	9/23/2018 6:41 PM
7	To put an additional buffer for commercial spaces with residential units. Must applying distance requirements from mixed residential/commercial building.	9/20/2018 1:58 PM
8	Yes, no limit as it is a democracy and competition is part of the democratic way? Do not allow use near where minors are period. Change the smoking laws if that is what we need to accept. Bag the pot and tobacco smokers together away from people that don't like the smell etc. change C-1 to all business zones and Multi use Zones.	9/20/2018 12:51 PM
9	Not in Pemberton.	9/19/2018 3:43 PM
10	The issue of public consumption, areas of use and smoking should be restricted.	9/19/2018 9:50 AM
11	Frequent review to check for compliance with rules/regulations such as security cameras working/hours of operation/ 2 employees on shift and especially air control. Stiff fines for breach of regulations	9/18/2018 4:37 PM
12	no	9/18/2018 1:28 PM
13	Parents educate their own children about their experience with cannabis explain the risks of the drug just like coffee or alcohol	9/16/2018 8:41 AM
14	Store front conditions as well as ppl loitering around store front...will there be any regulations on that?	9/15/2018 6:51 PM
15	Please don't let the store name be something that aligns with stoner culture or have cannabis leaves on the sign. Part of getting rid of the current stigma of cannabis is to not celebrate it as the equivalent of drinking, cannabis is much different than alcohol, don't let it be marketed as a party favor and kids won't be so interested and it will keep the shady element away too.	9/14/2018 8:10 PM
16	no	9/14/2018 5:09 PM
17	If the bylaw is passed it would be great to limit the number of stores to 1. There is no need for two- as you mention we have a small centre and need variety of shops- we already have two liquor stores do we really want downtown to have a prevalence of alcohol and cannabis outlets? Considering the downtown enhancement project it would be nice to have more attractive offerings to match the new attractive space thats upcoming.	9/14/2018 2:48 PM
18	I believe that there should be restrictions regarding smoking cannabis in public places that are similar to liquor legislation. The smell of cannabis smoke is extremely pervasive I am concerned about the effects of passive smoking.	9/14/2018 2:43 PM
19	Having a maximum of two within the suggested zone (I suggest M-1) seems reasonable compared to forcing minimum distance requirements between the same type of business. Selecting M-1 zone instead of C-1 naturally ensures a reasonable distance between the schools and the cannabis retailer without having to impose distance restrictions.	9/14/2018 10:54 AM

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20	no	9/14/2018 10:46 AM
21	I am fully in support of a cannabis retailer (or multiple) operating in Pemberton. I believe the demand is here for medical and recreational users, and don't expect any serious negative impacts from hosting retail shops. Cannabis retailers should be looked at as any other retail business and should have the same opportunities to succeed in Pemberton. I'm not against a limit of two stores at this time, but that cap may have to be lifted if Pemberton's population grows greatly.	9/14/2018 9:08 AM
22	I'm not sure about the limitation of 2 stores. I don't believe we limit the number of any other type of business. How would that work if a 'health food' store also wanted to dispense medical marijuana, and after 2 other businesses started up, they also wanted to expand into recreational? How would you handle a 'wait list' situation if we have 2 businesses and one fails/leaves town?	9/13/2018 9:23 PM
23	Instead of the 100 m radius with a simple majority, consider: - A majority of positive responses from people living, working or owning businesses within the Town Centre zone, and - A majority of positive responses from people living, working or owning businesses within a set of fixed boundaries around the Town Centre (regardless of where the shop will be located within the Town Centre). That boundary could be set at approximately 100 m from the outer edge of the town centre zone in all directions.	9/13/2018 8:38 PM
24	Allow more than 2 , less than 5 business so that no one has a monopoly	9/13/2018 6:09 PM
25	I think it will be helpful to have recreational cannabis retail in the Village, but I don't think we need more than 1 - 2 businesses in total.	9/13/2018 3:38 PM
26	We need one! Will be great revenue for Pemby and it's not right to restrict the purchase of a legal substance in Canada	9/13/2018 2:14 PM
27	A business license is 150/year. A cannabis retail location should be charged what the pharmacy pays for a business license.....150/year. To charge the proposed 1500/year is preposterous and improper. Basically profiteering . You really show your true colors when you do things like this to people trying to have a business in the community.	9/13/2018 1:59 PM
28	It appears to me that by stating that a Non-medical (recreational) Cannabis Retail business is limited to 2 such businesses means that a "Medical Cannabis Retail" business would also be allowed and this could possibly increase the number of cannabis retail businesses. Could the policy state "a total of 2 Non-medical and/or Medical Cannabis Retail businesses only allowed" ? I would not like to see more than 2 cannabis retail businesses in our small community.	9/13/2018 1:41 PM
29	I assume if there are issues the policy would be brought up for review and amended.	9/13/2018 1:27 PM
30	There is no mention of consumption use in public. I feel that there needs to have something about it in presence of children and young adults and should not be allowed to smoke freely in public. I feel that it should have the same rules as alcohol. I have been to places that have legalized marijuana and at times the smell is overwhelming and it seems as if there is free for all to smoke it wherever people want. The other point to define is smoking in hotels, apartments and shared facilities as we have also ran into that when travelling and found that there has to be harsh penalties to prevent it from leaching into other units.	9/13/2018 11:35 AM
31	The industrial park is zone for cultivation, makes sense to have retail component out there too. Because our downtown core is so small and we already have enough "ambassadors" welcoming people to Pemberton by drinking alcohol from the two liquor stores in town, it hardly improves the town's image to have more "ambassadors" sitting around smoking weed. This town is attracting more and more tourists, more and more families, we do not need the downtown to be a total "adult" zone. C-1 is a very small area. I have no problem with weed retail in the industrial park. Keep our downtown less "sin city" and more welcoming. Especially since revitalization will be taking place. I would rather make it look nicer for citizens and tourists than the "ambassadors". Thank you	9/13/2018 10:56 AM
32	No	9/13/2018 10:52 AM
33	The Village of Pemberton should explore the option of non governmental private retail options in a legal aspect.	9/11/2018 8:03 PM
34	Nope let's get this done please :)	9/10/2018 8:43 PM
35	Do you need to limit the number to 2? I would think market principles would make it difficult for more than 2 to operate.	9/10/2018 7:19 PM

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36	The village shouldn't limit the number of retail locations. It should be up to the business owner to decide whether or not it is feasible for them to open a business. Retail locations should also be permitted in the business park as an ancillary use.	9/10/2018 3:35 PM
37	Keep it simple	9/10/2018 11:27 AM
38	Apply the same rules as liquor store	9/10/2018 11:25 AM
39	I believe there should be designated areas for people to smoke pot freely.	9/10/2018 11:23 AM

Q12 Please provide additional comments here:

Answered: 29 Skipped: 71

#	RESPONSES	DATE
1	Thanks for all you do.	9/24/2018 12:26 PM
2	thanks.	9/24/2018 12:15 PM
3	Very strong odour. PLEASE only allow smoking where cigarette smoking is allowed.	9/24/2018 10:06 AM
4	None at this time	9/23/2018 6:41 PM
5	Enforce and re-educate the non-smoking regulation (of anything) near or around public places.	9/20/2018 1:58 PM
6	Thanks and good work.	9/20/2018 12:51 PM
7	We already have a problem with drunks wondering the streets. Let's not add to it drug users. Maybe once the VOP can limit the current population of intoxicated people from hanging out all day in the parks or other public area should it consider allowing another form of intoxicating substance be legally sold in town.	9/19/2018 3:43 PM
8	no	9/18/2018 1:28 PM
9	I want to see local applications prioritized over ones from people that don't live here.	9/16/2018 10:10 PM
10	Thank you for the opportunity to add my opinion.	9/16/2018 8:41 AM
11	N/a	9/15/2018 6:51 PM
12	Please see my answer for number 11, I will repeat that answer to emphasize my point.	9/14/2018 8:10 PM
13	Feel as though the VoP are passing this due to the response at the public bylaw meeting held earlier in the year. I was present at the meeting and the same people were sticking multiple stickers on this board for a cannabis outlet- not really a representative way to measure public opinion. I work in the cannabis industry and firmly believe that these people at the meeting don't fully understand what the new Cannabis Act means- they wont be able to get cheaper weed than they do now, they also wont be able to buy local products as the Provincial gov control supply and no local growers (with the exception of WMMC) are able to supply the BC LDB. This means should a store be opened it will have to purchase products from the LDB direct, not direct from local suppliers. It will also be obligated to sell a selection of brands and not just one. The final thing I would like to note is that whilst my opinions are probably in the minority (and as I mention I work in this field so they are probably even more surprising), should a store be opened I would urge VoP to ensure that any storefront is tasteful and in keeping with the Village- some of stores in Vancouver look cheap and uninviting. As a resident of downtown it would be nice not to have an eyesaw to look at if we must pass this bylaw.	9/14/2018 2:48 PM
14	It's important to note that legalization does not mean a free for all and following legalization there should be a significant effort by the Village and the RCMP to educate the public as to what behaviours are acceptable in public places. On the RCMPs this could be say a 6 month period of warnings followed by a tougher stance.	9/14/2018 2:43 PM
15	Please consider a public discussion putting forward the above comments about why M-1 is more suitable before settling too hastily on C-1.	9/14/2018 10:54 AM
16	no	9/14/2018 10:46 AM
17	Any way we can regulate the 'seediness' of the storefront? I guess not. But I hope it's not a prominent business location with sandwich boards out on the street to show off their wares.	9/13/2018 9:23 PM
18	Thank you for the thoughtful draft and opportunity for comment.	9/13/2018 8:38 PM
19	I think some marijuana shops in town will be profitable and it will save the locals a drive to SQUAMISH.	9/13/2018 6:09 PM

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20	I feel that we should have access to legal cannabis in Pemberton but I don't think it should be limited to just 2 stores. We have more than a few retail/restaurant locations that serve alcohol in Pemberton, why are we limiting access to Cannabis? As a society, we will need to start treating it the same way as we treat beer, wine and spirits.	9/13/2018 5:31 PM
21	I would rather see a regulated cannabis business be allowed rather than see a "black market" business grow from the lack of such a local business. If the choice is for people to purchase the product in a legal establishment which should mean a "clean product" then I prefer this to people purchasing product that could be laced with deadly additives from an illegal establishment or person.	9/13/2018 1:41 PM
22	Open alcohol is illegal in most of the province. Lighting a pipe or joint in public should be the same penalty	9/13/2018 1:16 PM
23	See above	9/13/2018 11:35 AM
24	This dispensary is not needed in Pemberton at all.	9/13/2018 11:33 AM
25	See above	9/13/2018 10:56 AM
26	Cannabis being less addictive than caffeine, along with it being less harmful than highly regulated alcohol and nicotine products should be treated with a hands off approach. The monopolistic approach proposed from the province should not be supported by the Village of Pemberton. A legal, private store approach should be supported encouraging 'craft cannabis' as opposed to large industrial mass produced products. In keeping with local agricultural values the municipality should petition for the relaxing of grower/producer regulations to help foster a local craft product further enhancing the Pemberton area for quality agricultural products. Cannabis regulations should be thought of like vineyard/winery brewery operations. With the advantages of our climate/terroir for the growing of cannabis the valley has a unique opportunity to be at the forefront of this emerging culture along with the economic benefits that will follow.	9/11/2018 8:03 PM
27	I do not support the distance requirements. Let market filter out poor operators, not regs. Probably only room for 2-3 max anyways.	9/10/2018 11:27 AM
28	Please consider a distance requirement of some kind if it is being put in the downtown core - I worry about what this is going to look like and the impacts (people hanging around, the type of people it will draw, impact on youth etc - there are so many unknowns. Consider allowing at the Industrial Park as a start for a couple of years and see how it goes before looking at allowing in the downtown.	9/10/2018 9:15 AM
29	Pleased to see the policy seems to be open to change. Great work	9/10/2018 9:15 AM

Non-Medical (Recreational) Cannabis Retail Policy

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

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, definitions, policy related to land use and zoning and includes Village requirements related to the business licence application requirements and the approval procedures.

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 the Village's intent to only permit cannabis retail use in the Town Centre Commercial (C-1) Zone.
- To establish the Village's intent to restrict the maximum number of cannabis retail businesses to two (2) in the Town Centre Commercial (C-1) Zone.
- To establish distance requirements from public spaces to minimize impacts and influences on minors and other vulnerable populations.
- To indicate the process by which the Village will make decisions with respect to potential application referrals from the Province 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 and an ad placed in the local newspaper following the regulations set out in section 94 of the *Community Charter*. 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 considered. This notification will be done for each and every application referred to the Village by the LCRB.
- If the views' of nearby residents is supportive, the Village may send a positive recommendation to the LCRB, and the application will continue to be processed by the Province.
- If the views are not supportive, the Village may not send a positive recommendation to the LCRB and the application will be halted.

Referral Assessment Fee

- The Village of Pemberton will charge an assessment fee of no less than \$500.00 payable by the Applicant per referral.

Land Use and Zoning

- The Village of Pemberton Zoning Bylaw No. 832, 2018 prohibits cannabis retail businesses in all zones.
- In order for cannabis retail sales to be permitted in the Village of Pemberton, the Village will initiate a Zoning Amendment to permit "Cannabis, Retail" in the Town Centre Commercial (C-1) Zone, under certain conditions of use.

Distancing Requirements

- Locations for non-medical cannabis retail businesses must be one hundred and fifty (150) 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 not including the Downtown Barn, Pioneer Park, Fougberg Park or the Pemberton & District Museum.
- A map showing the distancing requirements is attached as **Appendix B**.

Operational Requirements

- Non-medical (recreational) cannabis retail business may operate between the hours of 9:00am and 9:00pm.
- 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 are 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 Chief, Chief Building Official or their designate.

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 \$1,500. 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 or replaced from time to time.
- Applicants must provide at minimum 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 or replaced from time to time.

Non-Medical (Recreational) Cannabis Retail Licence Application Process

Application for Provincial Licence

Referral to the Village of Pemberton

Council gathers nearby residents' and property owners' views

If views are positive, Council resolves to make comments and recommendations

Positive referral response to Province

Provincial Licence issued

Village Business Licence Application

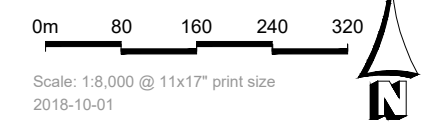
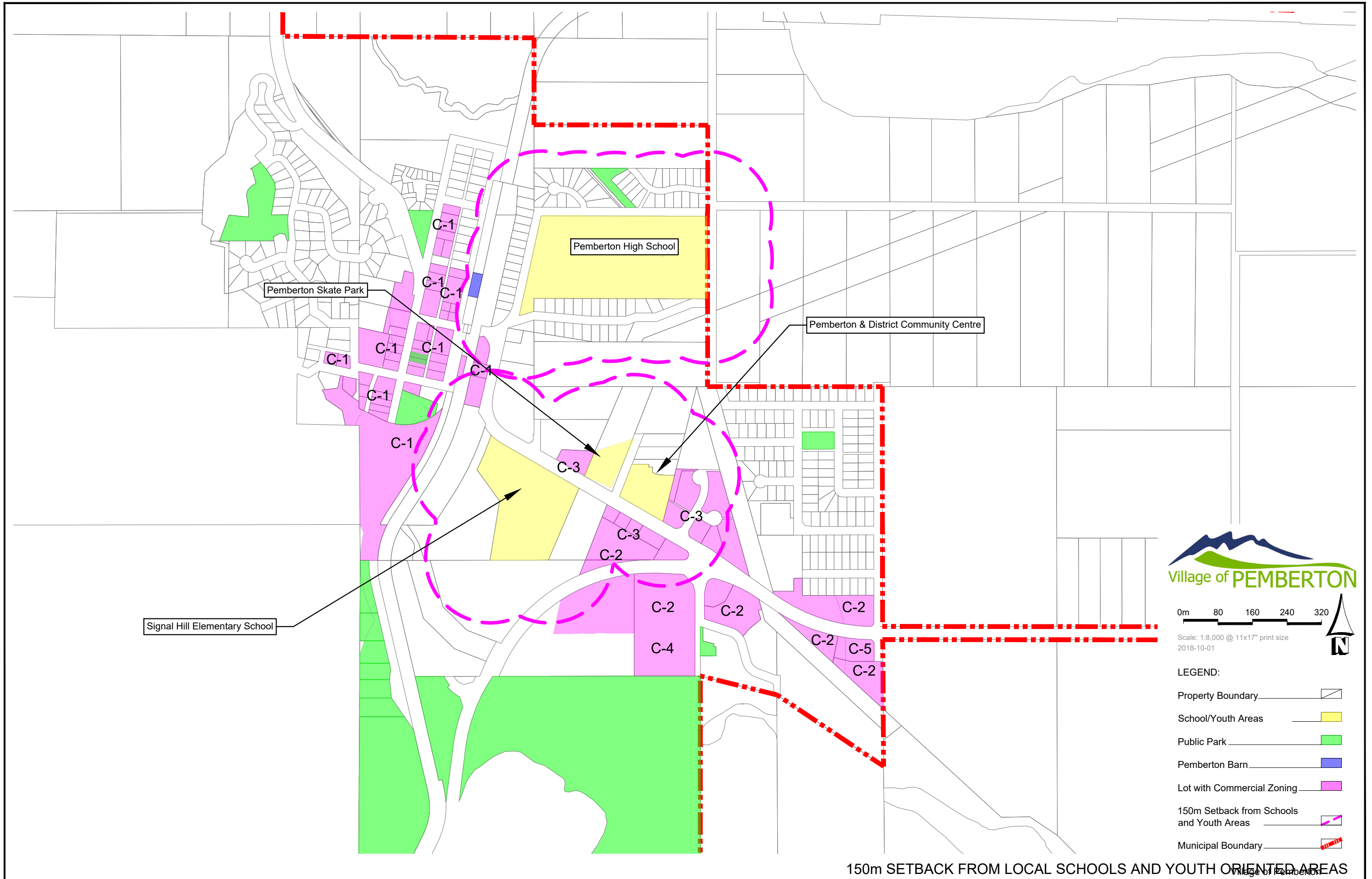
Retail Cannabis Business Proceeds

If views are negative, Council resolves not to respond or to recommend denial

Negative referral response to Province

No Provincial Licence issued

Retail Cannabis Business does not proceed



- LEGEND:
- Property Boundary
 - School/Youth Areas
 - Public Park
 - Pemberton Barn
 - Lot with Commercial Zoning
 - 150m Setback from Schools and Youth Areas
 - Municipal Boundary

150m SETBACK FROM LOCAL SCHOOLS AND YOUTH ORIENTED AREAS

APPENDIX F

VILLAGE OF PEMBERTON

BYLAW No. 847, 2018

Being a bylaw to amend the Village of Pemberton Zoning Bylaw No. 832, 2018

WHEREAS pursuant to Section 137 of the *Community Charter* a Council may amend its Zoning Bylaw from time to time;

AND WHEREAS the Council of the Village of Pemberton deems it desirable to permit Recreational Cannabis Retail Sales in its Town Centre Commercial (C-1) Zone;

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

1. CITATION

This Bylaw may be cited as “Village of Pemberton Zoning Bylaw No. 832, 2018 Zoning Amendment (Cannabis, Retail) Amendment Bylaw No. 847, 2018”.

2. Village Zoning Bylaw No. 832, 2018 be amended as follows:

a) Part 3: Definitions:

i. by adding the following in correct alphabetical order:

“**Cannabis, Dispensary** means a use of buildings or structures, in which the use of cannabis for medicinal purposes is advocated, sold or consumed, and includes a Compassion Club.”

“**Cannabis, Retail** means a use of buildings or structures, licensed under provincial authority for the retail sale of non-medical (recreational) cannabis and/or non-medical (recreational) cannabis containing products for consumption off-premises.”

b) Section 15.1. Commercial, Town Centre (C-1)

i. By adding ‘**Cannabis, Retail**’ to the list of Permitted Principal Uses in 15.1.1., as (c) and re-lettering all subsequent uses.

ii. By adding the following Conditions of Use relevant to **Cannabis, Retail**:

- **Cannabis, Retail** is not permitted:
 - (a) within one hundred and fifty (150) metres of the nearest property line of a site containing a School,

Community Centre, Library, Daycare, Skate Park, BMX Track or other youth-oriented facility.

READ A FIRST TIME this day of , 2018.

READ A SECOND TIME this day of , 2018.

NOTICE OF PUBLIC HEARING for **Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment Bylaw (Cannabis, Retail) Amendment Bylaw No. 847, 2018 PUBLISHED IN THE Pique Newsmagazine** on this day of , 2018 and on this day of , 2018.

PUBLIC HEARING HELD this day of , 2018.

READ A THIRD TIME this day of , 2018.

ADOPTED this day of , 2018.

Mayor
Mike Richman

Corporate Officer
Sheena Fraser

Date: October 2, 2018
To: Nikki Gilmore, Chief Administrative Officer
From: Lisa Pedrini, Senior Planner
Subject: Liquor Licence Change Request – Pemberton Town Square Restaurant

PURPOSE

The purpose of this report is to seek Council's support for a change to a liquor licence for the Pemberton Town Square Restaurant.

BACKGROUND

Pemberton Town Square is a locally owned and operated restaurant lounge located at 7439 Frontier Street in the Village's Downtown. Town Square is a full service restaurant that opened in August 2018 featuring shared plates with ingredients locally sourced from Pemberton and the surrounding area. They began with a food primary liquor licence and are now seeking a change to add a food-primary entertainment endorsement, a change to hours of liquor service, and a catering endorsement.

Firstly, they wish to apply for a food primary entertainment endorsement to allow for patron participation (i.e. dance floor, singing) during evenings with live music or karaoke. Secondly, they wish to extend their hours of liquor service. The current hours of liquor service are 10 am to 12 am Monday to Thursday, 11 am to 1 am on Friday and Saturday and 11am to 12 am on Sunday. The proposed hours of liquor service will be 9am to 1 am seven (7) days a week. Thirdly, they wish to apply for a catering endorsement so they will be licensed to transport and sell liquor at catered events where they have been hired to provide food service. The application is attached as **Appendix A**.

As Town Square is requesting a change to their current liquor license, in order to expedite this process, the provincial Liquor and Cannabis Regulation Branch requires a resolution from Council within ninety (90) days of the date the application was received by the Province.

To provide a resolution or comment, the Village must first gather public input from the community in the immediate vicinity of the establishment. Two (2) ads were placed in the Pique Newsmagazine on September 6th and 13th, 2018. Two (2) comments were received and are attached to this report as **Appendix B**. Both responses are from residents of Frontier Street. One was from a resident of the Elements Building expressing concern with noise levels associated with live music on the outdoor patio. The other is from a resident of a home located further north on the same street expressing opposition to the change due to the proximity of residential units and homes and potential noise disturbances and late night traffic.

DISCUSSION & COMMENTS

The BC Liquor & Cannabis Regulation Branch requires Municipal government support for Liquor Licenses and for any changes to existing Liquor Licenses. The following items must be considered when supporting an application:

- a) The location of the establishment which is at 7439 Frontier Street.
- b) The proximity of the establishment to other social or recreational facilities and public buildings.

Town Square Restaurant is located within the C-1 Town Centre Commercial Zone directly opposite the Pemberton Downtown Barn, a public space. There are no other recreational facilities or public buildings nearby.

- c) The person capacity and hours of liquor service of the establishment.

The occupant load of the Town Square is 92, with 62 seated indoors and 30 on the patio. The applicants have applied for the hours of operation (at their most extensive) to be 9 am to 1 am, seven (7) days a week. The Restaurant currently operates from 10 am to 12 pm, or 1 am on Friday and Saturday. No issues are anticipated due to these changes.

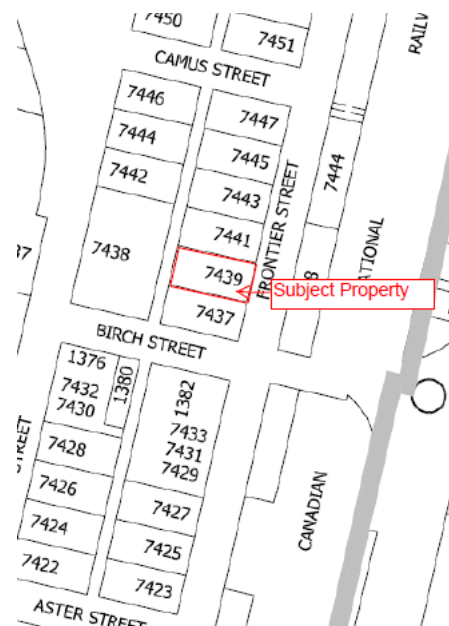
- d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location.

The Pemberton Hotel/Prospect Pub and the Royal Canadian Legion Branch 201 are the only proximal licenced facilities that are liquor-primary with entertainment and similar operating hours. The Pemberton Hotel/Prospect Pub is located at 7423 Frontier Street and is open until 1 am. They feature live music most weekends. The Legion is located at 7440 Prospect Street and is normally open until 8:30pm, unless hosting a special function. Fish and Rice, a Japanese Eatery, located at 7433 Frontier Street and The Pony, located at 1392 Pemberton Portage Road, both operate under a food-primary liquor licence. The Village has established through its Zoning Bylaw that the C-1 Zone is the optimal location for restaurants, lounges, and entertainment uses.

- e) The impact of noise on the community in the immediate vicinity of the establishment.

Town Square Restaurant is located immediately adjacent to the Elements Building. The Elements is a mixed used building with ground floor commercial and residential uses on the upper floors. Mixed-use development places residents and commercial businesses in close proximity, which can spur conflicts about noise.

In dealing with these conflicts, planning research has recommended the need to implement a principle whereby the "onus of responsibility should fall upon the agent of



change." That is, where changed conditions are introduced into an environment (for example through a new use, or changed operating conditions), the reasonable expectations of the existing land users should be respected. This applies to both commercial operators and residents.

The Village's Noise Bylaw No. 699, 2012 states that between the hours of 11 pm and 7 am everyone must observe quiet hours except on Sunday when quiet hours last until 9 am. The intent of a Village's noise regulation is to protect neighbors from inappropriate noise that is generated on another property. However, the Noise Bylaw exempts noise created by commercial uses operating in accordance with the Village's Zoning Bylaw "provided that all precautions are taken according to the latest and most up to date scientific methods for abating, controlling and limited noise arising from the industry conducted and common to such trade or industry so that the same may be as free from neighbourhood offence as possible".

Given the number of nearby residential uses, special consideration should be given to limiting unreasonable noise levels on adjacent residential and commercial properties nearby. The applicants will be required to abide by the Village's Noise Bylaw with respect to the hours the outdoor patio may remain open (no later than 11:00pm), and to provide safe and responsible service as per the Serving it Right™ program. In addition, the Village can encourage the business to take reasonable measures to limit noise disturbance created by patrons leaving the establishment after 11 pm (i.e., install adequate lighting outside the establishment, informing posting signage asking patrons not to disturb neighbours, supervising their exit, etc.).

- f) The impact on the community if the application is approved.

The Village's Official Community Plan recognizes the Downtown designation as the central meeting place and service area for the Village and surrounding region. The Downtown permits a diversity of uses, and the Village supports public and private investment in the Downtown to create a prosperous and attractive regional service hub.

After advertising the proposed change to the liquor licence, the Village received two (2) comments concerning the change. Both concerns revolved around noise. As described above, the Village will need to coordinate an approach with the owners of the establishment to minimize the impacts of noise (see above) and when applicable, the Village will enforce its Noise Bylaw. Coordinated approaches to hold patrons accountable for behavior can prevent or address impacts to residents and visitors.

The Village condones entertainment uses in its Town Centre Zone (C-1), and while recognizing that noise could be off-putting to residents nearby, the Village can use the tools it has to ensure that overall the impacts on the community of supporting this liquor license amendment is positive.

COMMUNICATIONS

As per the requirements set out in the provincial application process, the Village provided notice through an ad in the Pique Newsmagazine on September 6th and 13th.

The Village received two (2) written responses, which are attached as **Appendix B**. Both persons received an email from Corporate & Legislative Services, acknowledging receipt and advising that their comments would be noted in this Staff report.

LEGAL CONSIDERATIONS

Liquor Licences are issued by the provincial Liquor & Cannabis Regulation Branch. This item does not require legal review or consideration.

IMPACT ON BUDGET & STAFFING

Review of the Liquor Licence changes was facilitated in-house. Costs associated with advertising will be charged back to the proponent.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts or approvals required respecting the processing of this application as it is a function of the Operations and Development Services Department.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

There is no impact on the region or neighbouring jurisdictions.

OPTIONS FOR CONSIDERATION

Option One: That Council supports the issuance of the amended Liquor Licence, as recommended by Staff.

Option Two: That Council does not support the issuance of the amended Liquor Licence.

Option Three: That Council direct Staff to take another option as determined by Council.

POTENTIAL GOVERNANCE CONSIDERATIONS

Review of liquor license applications is consistent with Strategic Theme: Economic Vitality through fostering investment in the Village and supporting the tourism sector and working collaboratively to address liquor licensing challenges.

RECOMMENDATIONS

THAT Council recommends the issuance of an amended liquor licence for the following reasons:

- The Town Square is an established local business that draws business into Pemberton's town centre; and
- The proposed amendments to its liquor licence will allow the Town Square the ability to feature patron participation, live music and cater to special events.

AND THAT Council provides the following comments on the prescribed considerations:

- a) The location of the establishment is 7439 Frontier Street.
This location is within the Village’s Town Centre Commercial (C-1) Zone.
- b) The proximity of the establishment to other social or recreational facilities and public buildings.
The Pemberton Community Barn is located immediately across from the establishment and will not be negatively affected by the liquor licence amendment.
- c) The person capacity and hours of liquor service of the establishment.
The person capacity of the Town Square Restaurant is 92. As addressed above, the type of liquor licence and hours of operation will be extended to 9 am to 1:00am to allow patron participation and special events to occur later in the evening.
- d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location.
Town Square is located in Pemberton’s town centre within close proximity to two other establishments that feature live entertainment and extended hours of liquor service. The C-1 Town Centre Commercial Zone is appropriately zoned to allow a concentration of entertainment venues, such as eating and drinking establishments, in this area.
- e) The impact of noise on the community in the immediate vicinity of the establishment.
The Village will review the Noise Bylaw with the business owners and work in coordination to limit noise disturbances.
- f) The impact on the community if the application is approved.
Overall, there is a positive perceived value to the community by approving this liquor licence amendment.

AND THAT the views of nearby residents were sought by advertising in the Pique Newsmagazine and that the Village received two (2) responses; one expressing concern with live music on the patio, which the Village will address, and one opposing the change altogether.

Attachments:

- Appendix A: Application
- Appendix B: Responses from nearby Residents

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



Liquor and Cannabis Regulation Branch
400-645 Tyee Road, Victoria, BC V9A 6X5
Mail: PO Box 9292 Stn Provincial Govt, Victoria, BC V8W 9J8
Phone: 1 866 209-2111 Fax: 250-952-7066

APPLICATION FOR A PERMANENT CHANGE TO A LIQUOR LICENCE ALL LICENCE TYPES

Liquor and Cannabis Regulation Form LCLB005B

Instructions:

Complete all applicable fields and submit with the required documentation, if applicable, and payment as outlined in Part 9 of this application form. If you have any questions about this application, call Liquor and Cannabis Regulation Branch (LCRB) toll-free at: 1 866 209-2111.

Licensee Information

Licensee name (as shown on licence):

Establishment name (as shown on licence):

Establishment Location address (as shown on licence):
Street City Province Postal Code

Mailing address: (All correspondence will go to this address)
Street City Province Postal Code

Business Tel with area code: Business Fax with area code:

Business e-mail:

Contact Name: Title/Position:
last / first / middle

Note: An authorized signing authority of a licensee can appoint a representative to interact with the branch on their behalf by completing form LCRB101 Add, Change or Remove Licensee Representative

Contact Person

The applicant authorizes the person below to be the primary contact for the duration of the application process only.

Name: Phone number:

E-mail address:

Type of Change Requested

Please check (☑) appropriate box(es) below and provide licence numbers affected for each requested change. You may complete more than one change section on this form. An incomplete application will be held for a maximum of thirty (30) days. If still incomplete after the thirty (30) day period, the application may be terminated. See Part 12 for the approval process for the change you have requested.

Type of change requested	Licence numbers affected (Mandatory)	Job Number (Office Use Only)
<input type="checkbox"/> 1. Establishment/business or licence name change (p.2)	<input type="text"/>	(C2-LIC) (sub)
<input checked="" type="checkbox"/> 2. Food-primary entertainment endorsement (p.2)	<input type="text" value="189081"/>	(C2-LIC) (sub)
<input type="checkbox"/> 3. Request for change in terms and conditions/request for discretion (p.2)	<input type="text"/>	(C3-LIC) (sub)
<input type="checkbox"/> 4. Live theatres requesting liquor service (p. 2)	<input type="text"/>	(C3-LIC) (sub)
<input checked="" type="checkbox"/> 5. Change to hours of liquor service (p.3)	<input type="text" value="189081"/>	(C3-LIC) (sub)
<input checked="" type="checkbox"/> 6. Catering endorsement (p.4)	<input type="text" value="189081"/>	(C3-LIC) (sub)
<input type="checkbox"/> 7. Temporary off-site sale endorsement (p.4)	<input type="text"/>	(C2-LIC) (sub)

Applying for other permanent changes to your licence?

- To apply for alterations or additions to a licensed establishment (structural changes), use an *Application for a Structural Change*. For Liquor Primary and Liquor Primary Club, use form LCRB012A; for Food Primary, use LCRB012B; for Manufacturer and Winery Endorsements, use LCRB013; for Wine Store and Licensee Retail Store, use LCRB012C.
- To apply to have a third party operator operate your licensed establishment, use the *Application to Add or Change a Licensee's Third Party Operator* (LCRB026)
- To apply for a change to the shareholders, directors, licensee name or to add a receiver or executor, use the *Application for a Permanent Change to a Licensee* (LCRB005A).

Village of Pemberton
Regular Council Meeting No. 1477
Tuesday, October 2, 2018

Part 1: Establishment or Business Name Change and/or Licence Name Change

C2 - LIC

To be completed when the licensee wishes to change the name of an establishment or business and/or licence.

Note: If a name change results in a change in exterior signs, the signs are subject to branch approval.

Fee: \$220 per licence x licences = \$

Establishment or business name change:

Current establishment or business name as shown on licence:

Proposed name:

Licence name changes:

Licence #: Current licence name:

Proposed licence name:

Licence #: Current licence name:

Proposed licence name:

Attach the following:

Sketch or picture of the proposed establishment or business signage.

Also complete Parts 8 and 9

Part 2. Entertainment Endorsement (Food Primary licenses only)

C2 - LIC

According to the type of entertainment being applied for, complete below and attach required documents:

Patron participation entertainment endorsement (e.g., dance floor):

Note: Patron participation entertainment must end by midnight. Fee: \$330 per licence x licences = \$

- Submit a letter of intent describing, in detail, the form of patron participation entertainment proposed and where it will take place in your restaurant.
- Request a local government/First Nation resolution commenting on the application (local government must complete Part 11 of this form. For further information on local government resolutions, read Part 10).

There are restrictions related to forms of entertainment, sound systems, etc. If you are uncertain about any of the details of your proposal, consult with licensing staff at LCRB in Victoria. (see contact information on page 1 of this form).

Note: When relocating a Food-Primary establishment: An endorsement for patron participation entertainment cannot transfer location without local government/First Nations comment and LCRB approval. This is required because the local government/First Nation must be provided an opportunity to reconsider the impact of the endorsement on the community given the establishment's new location. Use this form to reapply for the endorsement but do not pay the application fee(s).

Are you submitting an application to transfer the location of a Food Primary licence with this application? Yes No

Also complete Parts 8 and 9

Part 3. Request of Change in Terms and Conditions/Request for Discretion

C3 - LIC

This section may be used for requests to change the terms and conditions on a liquor licence including requests for discretion. Depending on the nature of the licence change requested, local government/first nation (LG/FN) and public input may be required.

Complete A and B: Fee: \$220 per licence x licences = \$

A) Type of Request:

- Hours extension outside permitted hours of liquor service - Also complete Part 5
- Change to event driven term and condition - requires LG/FN resolution - LG/FN must complete Part 11
- Change or close of primary business with a liquor licence onsite
- Other

B) Attach:

A letter of intent describing, in detail, the proposed change to your licence. To request discretion, provide a written submission detailing compelling reasons/exceptional circumstances for your request and why a request for discretion should be approved. All documentation to support your request for discretion must be submitted with this application.

Also complete Parts 8 and 9

Part 4. Live theatres requesting liquor service in conjunction with films/broadcasts

C3 - LIC Fee: \$330

Licensed live event theatres may apply for permission to serve liquor in conjunction with films and broadcasts. Please provide a written proposal detailing your request. LCRB will forward your application to your local government/first nation for comment. Consideration will also be given to the compliance history of the establishment.

Also complete Parts 8 and 9

Part 5. Change to Hours of Liquor Service

Licensees may apply to revise hours of liquor service, subject to any restrictions within the *Liquor Control and Licensing Act*, Regulations, branch policies and/or original terms and conditions of licensing.

Check (☑) the appropriate change, and provide the requested information and documents:

A) Food Primary

- Request to change hours of liquor service between 9am - midnight Fee: \$220 per licence x licences = \$
 - complete proposed hours of liquor service table below
- Request to extend hours of liquor service between midnight - 4am Fee: \$330 per licence x licences = \$
 - complete proposed hours of liquor service table below
 - if requesting to extend hours outside of 9am - 4am, also complete Part 3
 - request a local government resolution - local government must complete Part 11 of this form.

B) Liquor-Primary, manufacturer lounge or special event area

- Request to change the hours of liquor service within the hours currently approved:
 - complete proposed hours of liquor service table below Fee: \$220 per licence x licences = \$
- Request to change the hours of liquor service outside the hours currently approved:
 - complete proposed hours of liquor service table below Fee: \$330 per licence x licences = \$
 - if requesting to extend hours outside of 9am - 4am, also complete Part 3
 - request a local government resolution - local government must complete Part 11 of this form.

C) Licensee Retail Store/Wine Store

- Request to extend hours outside of 9am - 11pm
 - complete proposed hours in table below
 - complete Part 3

Complete the tables below, indicating current and proposed hours of liquor sales:

Current Hours of Liquor Service:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	<input type="text" value="10am"/>	<input type="text" value="10am"/>	<input type="text" value="10am"/>	<input type="text" value="10am"/>	<input type="text" value="11am"/>	<input type="text" value="11am"/>	<input type="text" value="11am"/>
Closed	<input type="text" value="12am"/>	<input type="text" value="12am"/>	<input type="text" value="12am"/>	<input type="text" value="12am"/>	<input type="text" value="1am"/>	<input type="text" value="1am"/>	<input type="text" value="12am"/>

Proposed Hours of Liquor Service:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	<input type="text" value="9am"/>	<input type="text" value="9am"/>	<input type="text" value="9am"/>	<input type="text" value="9am"/>	<input type="text" value="9am"/>	<input type="text" value="9am"/>	<input type="text" value="9am"/>
Closed	<input type="text" value="1am"/>	<input type="text" value="1am"/>	<input type="text" value="1am"/>	<input type="text" value="1am"/>	<input type="text" value="1am"/>	<input type="text" value="1am"/>	<input type="text" value="1am"/>

Note: When relocating a Food-Primary establishment: An endorsement for hours of liquor service after midnight cannot transfer location without local government/First Nations comment and LCLB approval. Use this form to reapply for the endorsement but do not pay the application fee(s).

Are you submitting an application to transfer the location of a Food Primary licence with this application? Yes No

Also complete Parts 8 and 9

Part 6. Request for Catering Endorsement (Food Primary and Liquor Primary licences only)

Food primary and liquor primary licensees (excluding liquor primary club licensees) may apply for a catering endorsement if they wish to be licensed to transport and sell liquor at catered events where they have been hired to provide food service. The catered events must be hosted by other people and must take place outside the 'red-lined area' (the area where liquor is sold, served and consumed) and generally away from the establishment. The caterer must be present for the duration of a catered event. Licences with a catering endorsement are subject to an annual licensing fee of \$100 in addition to the annual renewal fees.

Fee: \$330 per licence x licences = \$

To qualify for an endorsement the applicant must demonstrate at the time of inspection:

- Catering service is focused on the preparation and serving of food.
- The applicant has the personnel and infrastructure necessary to prepare and serve food at events hosted by others. This includes a requirement to have a full commercial kitchen at the applicant's existing licensed establishment.

Note: If a licence is approved with a catering endorsement, the licensee must notify LCRB of all catered events (except in private residences) using OneStop (www.bcbusinessregistry.ca). Some events may require approval from LCRB before the catered event can take place. Further information about how to notify LCRB will be provided by your local liquor inspector when they complete their final inspection.

LCRB will review your application and if approved you will be required to arrange a final inspection. If the liquor inspector is not satisfied with your kitchen equipment, food selection, advertising and staffing, you may be required to make changes and schedule a second (2nd) inspection to confirm you meet the requirements of a catering endorsement. A fee of \$200 will be charged if a second (2nd) inspection is required.

Also complete Parts 8 and 9

Part 7. Temporary Off-Site Sale Endorsement (Licensee Retail Store & Wine Store licences only)

Licensee retail store (LRS) licensees and wine store (WS) licensees may apply for a temporary off-site sale endorsement to permit the sale of packaged liquor in conjunction with a Special Event Permit (SEP) event that has a focus on food and/or beverage tasting (e.g., a wine festival).

A temporary off-site store can only operate during the festival days and hours but liquor sales cannot take place before 9am or after 11pm. The LRS or WS licensee must have an agreement with the SEP licensee and confirm with the SEP licensee that Local Government /First Nations permits the sale of packaged liquor products for off site consumption at the SEP event. Wine store licensees can only sell the range of products permitted by their store licence.

Note: If a licence is approved with a temporary off-site sale endorsement, the licensee must notify LCRB for each temporary off-site store they will be operating by submitting a complete Temporary Off-site Sale Authorization form (LCRB091) by fax or email 14 calendar days prior to the SEP event. A copy of LCRB091 form can be found on our website. An event specific authorization will be issued.

Also complete Parts 8 and 9

Part 8: Declaration

Section 57(1)(c) of the *Liquor Control and Licensing Act* states: "A person commits an offence if the person (c) provides false or misleading information in the following circumstances: (i) when making an application referred to in section 12; (ii) when making a report or when required and as specified by the general manager under section 59".

As the licensee or authorized signatory of the licensee, I understand and affirm that all of the information provided is true and complete.

Signature: 
Authorized signatory of the licensee

Name: Position: Date:
(last / first / middle) (if not an individual) (Day/Month/Year)

Note: An agent, lawyer or third party operator may not sign the declaration on behalf of the licensee

- This form should be signed by an individual with the authority to bind the applicant. The Branch relies on the licensee to ensure that the individual who signs this form is authorized to do so. Typically, an appropriate individual will be as follows:
- If the licensee is an individual or sole proprietor, the individual himself/herself
 - If the licensee is a corporation, a duly authorized signatory who will usually be an officer or, in some cases, a director
 - If the licensee is a general partnership, one of the partners
 - If the licensee is a limited partnership, the general partner of the partnership
 - If the licensee is a society, then a director or a senior manager (as defined in the *Societies Act*)

If an authorized signatory has completed the *Add, Change or Remove Licensee Representative form* (LCRB101) and they have specifically permitted a licensee representative to sign this form on the licensee's behalf, the branch will accept the licensee representative's signature.

Part 9: Application Fees

Total Fee Submitted: \$

In accordance with Payment Card Industry Standards, the branch is no longer able to accept credit card information via email.

Payment is by (check one):

- Cheque, payable to Minister of Finance (if cheque is returned as non-sufficient funds, a \$30 fee will be charged)
- Money order, payable to Minister of Finance
- Credit card: VISA MasterCard AMEX

- I am submitting my application by email and I will call with my credit card information. I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 and understand that no action can proceed with my application until the application fee is paid in full.
- I am submitting my application by fax or mail and have given my credit information in the space provided at the bottom of the page.

Part 10: Local Government/First Nation Resolutions: (Information for the Applicant)

For the following changes a resolution from your local government or First Nation, commenting on the application is required:

- Part 2: Food-primary patron participation entertainment endorsement, and
- Parts 5(A) and (B): Change to hours of sale
- Part 3: Change to event driven term and condition

Licensee responsibilities:

- Fill out appropriate change application sections in this form.
- Request your local government/First Nation to sign and date Part 11 of this form.
- Provide a photocopy of this form to the local government/First Nation and request that a resolution be provided within 90 days and sent directly to the Liquor and Cannabis Regulation Branch, Victoria Head Office.
- Send the original form and application fees to the branch.
- The Liquor and Cannabis Regulation Branch will follow up with the local government/First Nation if a resolution has not been received by the Branch within 90 days of the local government's receipt of your request.

Your local government/First Nation may decide that it does not wish to provide comment on your change request. If they indicate on the form that they opt out of providing comment, submit your application to LCRB.

Credit Card Information (To be submitted by fax or mail only)

Name of cardholder (as it appears on card):

Credit card number:

Expiry date: /

Signature: _____

Part 11: Local Government/First Nation Confirmation of Receipt of Application

This application serves as notice from the Liquor and Cannabis Regulation Branch (LCRB) that an application for one or more of the following changes to a liquor licence has been made within your community:

- Hours of liquor service past midnight for a food primary licence.
- Change to hours of liquor service for a liquor primary, liquor primary club, manufacturer lounge or special event endorsement
- Addition of patron participation entertainment endorsement for a food primary licence.
- Change to event driven term and condition.

Local government/First Nation (name):

Name of Official: Title/Position:
(last / first / middle)

Email: Phone:

Date Received:
(Day/Month/Year)

Signature of Official: _____

Check here if LG/FN will not be providing comment: Yes, opting out of comment

Note: The LG/FN cannot provide comment for their own application.

Is this establishment on Treaty First Nation land? Yes No

Instructions for Local Government/First Nation (LG/FN)

The Branch requests that you consider this application (application form and floor plan) and provide the Branch with a resolution within 90 days of the above received date. Alternatively, LG/FN can delegate staff with the authority to provide comment.

- The applicant will bring their completed application form to LG/FN.
- If there are any major issues (e.g. bylaws), LG/FN may hold off signing the application until the issues are resolved or they have a plan to deal with the issues.
- When LG/FN is comfortable with the application proceeding, LG/FN staff will sign above and return it to the applicant. LG/FN will keep a copy of the signed application form and all supporting documents.
- The applicant will submit the signed application package (with all required documents) to the Branch.
- Branch staff and LG/FN staff will advise each other if there are any concerns with the proposed application.

To provide a resolution or comment:

- Gather public input for the community in the immediate vicinity of the proposed endorsement service area(s).
- Consider these factors which must be taken into account when providing resolution/comment:
 - The location of the establishment.
 - The person capacity and hours of liquor service of the establishment.
- Provide a resolution/comment with comments on:
 - The impact of noise on nearby residents.
 - The impact on the community if the application is approved.
 - If the application is to amend a Food Primary licence, whether the amendment will result in the service area being operated in a matter that is contrary to primary purpose
 - The view of residents and a description of the method used to gather views.
 - The LG/FN recommendations (including whether or not the application be approved) and the reasons on which they are based.
- Provide any reports that are referenced in, or used to determine, the resolution/comment.
- If more than 90 days is required, provide a written request for extension to the Branch.
- If LG/FN opts out, or is the applicant, the Branch will gather public input and contact LG/FN staff for information to assist the Branch in considering the regulatory criteria.

If you have any questions, or the establishment is located on Treaty First Nation land, please call the Branch toll-free at 1-866-209-2111.

Part 12: Application and Approval Process – What happens next?

For the following change requests (all C2):

- Part 1 Establishment or Licence Name Change
- Part 2 Food-Primary Entertainment Endorsement (requires local government/First Nations resolution).
- Part 8 Temporary Off-site Sale Endorsement

The process is:

1. Applicant will complete the appropriate section of this form and Parts 8 and 9, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor and Cannabis Regulation Branch.
3. Liquor and Cannabis Regulation Branch (LCRB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. LCRB staff will advise the applicant and the liquor inspector when the application is approved.

For the following change requests:

- Part 3 Change to Terms and Conditions and Request of Discretion (all C2)
- Part 4 Live theatres requesting liquor service (all C2)
- Part 5 Change to Hours of Sale (may require local government/First Nations resolution) (all C3)

The process is:

1. Applicant will complete the appropriate section of this form and Parts 9 and 10, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor and Cannabis Regulation Branch.
3. Liquor and Cannabis Regulation Branch (LCRB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. LCRB staff may request your local liquor inspector to provide comments regarding your application.
5. LCRB staff will advise the applicant and the liquor inspector when the application is approved.

For the following change request:

- Part 6 Catering Endorsement (all C1)

The process is:

1. Applicant will complete the appropriate section of this form and Parts 9 and 10, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor and Cannabis Regulation Branch.
3. Liquor and Cannabis Regulation Branch (LCRB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. If the application requirements have been met, the applicant will be asked to contact the inspector for an interview/final inspection. Before contacting the inspector for the interview/final inspection, the applicant must have the inspector interview letter.
Note: The applicant must contact the local area inspector to arrange for a final inspection by the date noted on the letter (30 days from the date on the letter). If the inspector is not contacted to arrange for a final inspection or for an extended time, the application will be terminated.
5. At your final inspection, the inspector will verify that your business location meets the requirements for a catering licence by reviewing the food selection, the kitchen equipment, advertising and staffing resources. If the inspector is not satisfied your business location meets the requirements of a catering licence you may be asked to make changes and schedule a second (2nd) inspection to confirm you meet the requirements of a catering licence. A fee \$200 will be charged if a second (2nd) inspection is required
6. LCRB staff will advise the applicant and the liquor inspector when the application is approved.

Part 13: Submit Application Package

Once signed by local government/First Nation, submit your complete application package to:

Liquor and Cannabis Regulation Branch
Courier: 400-645 Tyee Road, Victoria BC V9A 6X5
Mail: PO Box 9292 Stn Prov Govt Victoria, BC V8W 9J8
E-mail: liquor.licensing@gov.bc.ca

If you have any questions, contact us toll-free at 866-209-2111 or email us at liquor.licensing@gov.bc.ca. Visit our website for more information: www.gov.bc.ca/liquorregulationandlicensing

The information requested on this form is collected by the Liquor and Cannabis Regulation Branch under Section 26 (a) and (c) of the *Freedom of Information and Protection of Privacy Act* and will be used for the purpose of liquor licensing and compliance and enforcement matters in accordance with the *Liquor Control and Licensing Act*. Should you have any questions about the collection, use, or disclosure of personal information, please contact the Freedom of Information Officer at PO Box 9292 STN PROV GVT, Victoria, BC, V8W 9J8 or by phone toll free at 1-866-209-2111.

Village of Amberton
Regular Council Meeting No. 1477

Tuesday, October 2, 2018

Application for Permanent Change to Liquor Licence

RECEIVED

AUG 28 2018

VILLAGE OF PEMBERTON

Town Square would like to apply for an entertainment endorsement on our existing liquor license 189081. The purpose is to allow for patron participation during evenings with live music, as well as the occasional karaoke night.

We expect there to be times when patrons dance and/or join in the music.

From: jeff gold [REDACTED]
Sent: August 31, 2018 9:20 PM
To: VoP Admin <admin@vilpem.onmicrosoft.com>
Subject: New restaurant

Hello,

I would like to just ask If the new Town restaurant is given hours until 1am this will cause alot of noise disturbance for the residential building right next door. I would hope that they will not be using the outdoor patio with live music after a certain hour as the noise will cause an issue. can you please pass on this concern to whom ever this may concern.

thank you

I am a resident in the building

regards

Jeff

From: sophie rivers [REDACTED]
Sent: September 14, 2018 3:06 PM
To: VoP Admin <admin@vilpem.onmicrosoft.com>
Subject: Comment on Town Square Restaurant License Amendment

Dear Village of Pemberton,

I am writing to pass comment on the recent proposal from the Town Square Restaurant detailed in the eNewsletter sent on Aug 31st.

Whilst it is exciting to welcome a new local business into Downtown, I was concerned to see the request for an extended license. As a resident of Frontier Street having the business able to operate until 1am 7 days per week has the potential to generate increased noise from both customers and late night traffic. Given the businesses proximity to many residential units this feels like an inappropriate request, especially because the business is licensed as a food primary location- not liquor primary. (something which I very much hope it remains operating as especially given its focus on sourcing local ingredients.)

I would like to register an official complaint against the extended opening hours application on the grounds that it is inappropriate and unnecessary due to the location of the business to residential units and homes.

Sincerely
Sophie Rivers

Date: October 2, 2018
To: Nikki Gilmore, Chief Administrative Officer
From: Lisa Pedrini, Senior Planner
Subject: Liquor Licence Request - Pemberton Brewing Company Ltd.

PURPOSE

The purpose of this report is to seek Council's support for liquor licence for a lounge at the Pemberton Brewing Company Ltd.

BACKGROUND

Pemberton Brewing Company is a locally owned and operated craft brewery located in a multi-tenanted building at 1936 Stonecutter Place in the Pemberton Industrial Park. The Brewery opened in the spring of 2018 with the production of four (4) to six (6) mainstay products and several seasonal rotating beers manufactured onsite from locally sourced ingredients. Currently the Brewery operates a tasting room where guests are able to purchase flights (small sample glasses) or fill growlers for transporting off-site.

The Pemberton Brewing Company is requesting a lounge endorsement from the Liquor and Cannabis Regulation Branch, a patio and the ability to host special events. The application is attached as **Appendix A**. In order to proceed with the process, a resolution is required from Council within ninety (90) days of the date the application was received by the Province.

In order to provide a resolution or comment, the Village must gather public input from the community in the immediate vicinity of the establishment. Two (2) advertisements were placed in the Pique Newsmagazine on August 30th and Sept 6th 2018. No comments were received.

DISCUSSION & COMMENTS

The liquor laws of BC require Municipal government support for Liquor Licenses and for any changes to existing Liquor Licenses. The following items must be considered when supporting an application:

- a) The location of the establishment which is at 1936 Stonecutter Place.

The property is zoned Industrial (M-1) and as per Zoning Bylaw No. 832, 2018 'Brewery, Cidery, Distillery and Winery' is a permitted use in the M-1 Zone and may include tours, tastings, retail sales, a manufacturer's lounge, and the sale of related non-liquor products.

- b) The proximity of the establishment to other social or recreational facilities and public buildings.

There are no other social or recreational facilities or public buildings in the Industrial Park that will be negatively impacted.

- c) The person capacity and hours of liquor service of the establishment.

The occupant load of the Pemberton Brewing Company will be 78, with 33 seated indoors and 45 on a proposed patio. The applicants have applied for the hours of operation (at their most extensive) to be 9 am to 3 am, seven days a week. The Brewery currently operates from 1 pm to 8 pm, and intends to keep their hours the same, unless hosting a special or private event, in which case they will be permitted to open as early as 9 am and close as late as 3 am, if desired. Given the location, no issues are anticipated due to these changes.

- d) The number and market focus or clientele of liquor-primary licence establish

There are no other liquor-primary licenced establishments in the area. Pemberton Distillery Inc. which manufactures organic spirits at 1954 Venture Place is the only proximal facility that also allows tours, tasting and sales on-site, but it is not a liquor-primary licensed establishment.

- e) The impact of noise on the community in the immediate vicinity of the establishment.

Pemberton Brewing Company is located in the Industrial Park. There are residential uses permitted in the Industrial Park as accessory uses. Mixed-use development places residents and commercial businesses in close proximity, which can spur conflict about noise.

In dealing with these conflicts, planning research has recommended the need to implement a principle whereby the "onus of responsibility should fall upon the agent of change." That is, where changed conditions are introduced into an environment (for example through a new use, or changed operating conditions), the reasonable expectations of the existing land users should be respected. This applies to both commercial operators and residents.

The Village's Noise Bylaw No. 699, 2012 states that between the hours of 11 pm and 7 am everyone must observe quiet hours except on Sunday when quiet hours last until 9 am. The intent of a Village's noise regulation is to protect neighbors from inappropriate noise that is generated on another property. However, the Noise Bylaw exempts noise created by industrial uses operating in accordance with the Village's Zoning Bylaw "provided that all precautions are taken according to the latest and most up to date scientific methods for abating, controlling and limited noise arising from the industry conducted and common to such trade or industry so that the same may be as free from neighbourhood offence as possible".

The applicants will be required to respect the Village's Noise Bylaw with respect to the hours the patio may remain open and to take reasonable measures to limit noise created by patrons leaving the establishment after 11 pm.

- f) The impact on the community if the application is approved.

The Pemberton Brewing Company is located near businesses related to other industrial uses that will not be negatively impacted by the introduction of liquor licensing in this area. Given the fact that the Village did not receive any comments after advertising the change, there is no perceived impact on the community. Moreover, this change is welcomed as the business draws in local customers and tourists alike.

COMMUNICATIONS

As per the requirements set out in the application process the Village provided notice through an ad in the Pique Newsmagazine on August 30th and September 6th.

The Village did not receive any comments on the application.

LEGAL CONSIDERATIONS

Liquor Licences are issued by the provincial Liquor & Cannabis Regulation Branch. This item does not require legal review or consideration.

IMPACT ON BUDGET & STAFFING

Review of the Liquor Licence changes was facilitated in-house. Costs associated with advertising will be charged back to the proponent.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts or approvals required respecting the processing of this application as it is a function of the Operations and Development Services Department.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

There are no impacts on the region or neighbouring jurisdictions.

OPTIONS FOR CONSIDERATION

Option One: That Council supports the issuance of the Liquor Licence, as recommended by Staff.

Option Two: That Council does not support the issuance of the Liquor Licence.

Option Three: That Council direct Staff to take another option as determined by Council.

POTENTIAL GOVERNANCE CONSIDERATIONS

This is consistent with Strategic Theme: Economic Vitality through fostering investment in the Village and supporting the tourism sector and working collaboratively to address liquor licensing challenges.

RECOMMENDATIONS

THAT Council recommends the issuance of the lounge licence for the following reasons:

- The Pemberton Brewing Company is an established local business that helps diversify Pemberton’s economy; and
- The proposed liquor licence will give Pemberton Brewing Company the ability to thrive in its current location and the flexibility to host special events.

AND THAT Council provides the following comments on the prescribed considerations:

- a) The location of the establishment is 1936 Stonecutter Place.
The property is located in the Village’s Industrial Park and the use is permitted under the Industrial (M-1) Zone as per the Village’s Zoning Bylaw No. 832, 2018.
- b) The proximity of the establishment to other social or recreational facilities and public buildings.
There are no recreational facilities or public buildings in the area.
- c) The person capacity and hours of liquor service of the establishment.
This establishment has been in operation as a tasting lounge for several months at this location, no issues are anticipated due to these changes.
- d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location.
Pemberton Brewing Company would be the only licensed establishment in the area.
- e) The impact of noise on the community in the immediate vicinity of the establishment.
Due to the industrial nature of the area, and limited nearby residential uses, no impacts related to noise are foreseen.
- f) The impact on the community if the application is approved.
Given the location, limited residential uses and the fact that the Village did not receive any comments after advertising the changes, there are no perceived impacts on the community.

AND THAT the views of the residents were sought by advertising the change in the Pique Newsmagazine and that no views were presented.

Attachments:

Appendix A: Application

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



Liquor and Cannabis Regulation Branch
400-645 Tye Road, Victoria, BC V9A 6X5
Mail: PO Box 9292 Stn Provincial Govt, Victoria, BC V8W 9J8
Phone: 1 866 209-2111 Fax: 250-952-7066

LOUNGE AND SPECIAL EVENT AREA APPLICATION

Liquor and Cannabis Regulation Form LCRB049A

Instructions:

Using the attached guide, complete this application form and assemble all required documents. Once complete, follow instructions for submitting your application package to local government/first nation and the Liquor and Cannabis Regulation Branch.

Part 1: Type of Application

Lounge Endorsement Special Event Area Endorsement

office use only
Job No:

Note: Do not apply for special event area if it will occupy same footprint as the lounge.

Are you submitting an application for a manufacturing licence with this application? No Yes

Are you submitting an application to transfer the location of the manufacturing facility with this application? No Yes

Part 2: Applicant

Manufacturer Licence Number (if licensed): 307700

Applicant/Licensee Name: Jeffrey Lawrence

Mailing Address:

[Redacted] Pemberton BC V0N 2L0
Street City Province Postal Code

Phone number: [Redacted] E-mail address: je@pembertonbrewing.ca

Note: An authorized signing authority of a licensee can appoint a representative to interact with the branch on their behalf by completing form LCRB101 Add, Change or Remove Licensee Representative

Part 3: Application Contact Person

Name: Jeffrey Lawrence Phone number: [Redacted]

Position: Owner / Director E-mail address: je@pembertonbrewing.ca

Note: The applicant authorizes the person above to be the primary contact for the duration of the application process only.

Part 4: Establishment

Establishment Name: Pemberton Brewing Co. Ltd

Manufacturer Address:

1936 Stonecutter PL Pemberton BC V0N 2L0
Street City Province Postal Code

4a. Parcel Identifier (PID): [Redacted]

4b. Local Government/First Nation: Village of Pemberton Local Police: RCMP

4c. Is this location zoned for liquor service? No Yes

4d. Is this manufacturing site part of the Agricultural Land Reserve (ALR)? No Yes

4e. If the proposed site is on ALR land, have you reviewed the ALR policies regarding a lounge and/or special event area? No Yes

Part 5: Lounge Proposal

This section requires several supporting documents to be submitted with your application. Please see the checklist on page 3 below for more information regarding letter of intent, floor plan and site map.

5a. Proposed Service Areas:

Complete the following based on your establishment floor plan and occupant load (see page 5 of guide):

Area No.	Floor Level (e.g. Basement, Main, 2nd)	Indoor	Patio	Occupant Load
1.	Main	33	45	78
2.				
3.				
4.				
5.				
Total Occupant Load (of all licensed areas):				

5b. Hours of Liquor Service:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	9am	9am	9am	9am	9am	9am	9am
Close	3am	3am	3am	3am	3am	3am	3am

Part 6: Special Event Area Proposal

This section requires several supporting documents to be submitted with your application. Please see the checklist on page 3 below for more information regarding letter of intent, floor plan and site plan.

6a. Proposed Service Areas:

Complete the following chart based on your establishment floor plan. Occupant load is required for indoor and patio areas (see page 5 of guide). If you want an outdoor area that is not a patio see 6b:

Area No.	Floor Level (e.g. Main, Mezzanine)	Indoor	Patio	Occupant Load
1.				
2.				
3.				
4.				
Total Occupant Load (of all licensed areas):				

6b. Complete the following chart if you will have an outdoor event area (not a patio). Outdoor areas require a person capacity not occupant load (see page 5 of guide):

Area No.	Outdoor Area Identify by location or name	Capacity
1.		
2.		
3.		
4.		
Total Person Capacity for all Outdoor Areas:		

6c. Hours of Liquor Service

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	9am	9am	9am	9am	9am	9am	9am
Closed	3am	3am	3am	3am	3am	3am	3am

Part 7: Declaration of Signing Authority

Section 57(1)(c) of the *Liquor Control and Licensing Act* states: "A person commits an offence if the person (c) provides false or misleading information in the following circumstances: (i) when making an application referred to in section 12; (ii) when making a report or when required and as specified by the general manager under section 59".

As the licensee or authorized signatory of the licensee, I understand and affirm that all of the information provided is true and complete.

Signature:  _____
Authorized signatory of the licensee

Name: Lawrence Jeffrey Philip (last / first / middle) Position: Owner (if not an individual) Date: 16/09/2018 (Day/Month/Year)

Note: An agent, lawyer or third party operator may not sign the declaration on behalf of the licensee.

This form should be signed by an individual with the authority to bind the applicant. The Branch relies on the licensee to ensure that the individual who signs this form is authorized to do so. Typically, an appropriate individual will be as follows:

- If the licensee is an individual or sole proprietor, the individual himself/herself
- If the licensee is a corporation, a duly authorized signatory who will usually be an officer or, in some cases, a director
- If the licensee is a general partnership, one of the partners
- If the licensee is a limited partnership, the general partner of the partnership
- If the licensee is a society, then a director or a senior manager (as defined in the *Societies Act*)

If an authorized signatory has completed the *Add, Change or Remove Licensee Representative* form (LCLB101) and they have specifically permitted a licensee representative to sign this form on the licensee's behalf, the branch will accept the licensee representative's signature.

Part 8: Checklist

Your application package must include the following documents. An incomplete application will delay the licensing process.

- Completed Lounge & Special Event Area Application (this form).
- Letter of Intent for each type of endorsement (page 5 of the guide).
- Lounge Floor Plan (2 copies) preferably with occupant load (page 5 & 6 of the guide).
- Special Event Area Floor Plan (2 copies) preferably with occupant load (page 5 & 6 of the guide).
- Site plan for any outdoor endorsement area (see page 6 of guide).
- Patio(s) (see Appendix I on page 8 of the guide).
- Any additional information (labelled per question number on application form) if there is not sufficient space to answer a question on the application form.
- Take your application package to Local Government/First Nation (Part 9 below). Note: This step is not required if you are applying for this endorsement(s) on a second manufacturing licence located at the same site (see # 3 on page 2 of guide).
- After Part 9 is completed, submit your application package to the Branch (Parts 10 and 11 below).

Part 9: Local Government/First Nation (LG/FN) Confirmation of Receipt of Application

This is to be filled out by your local government/First Nation office prior to submitting this application to the branch.

Local government/First Nation (name):

Name of official: Title/Position:

Email: Phone:

Signature of Official: _____ Date Received:

Check here if the LG/FN will not be providing comment Yes, opting out of comment.

Note: The LG/FN cannot provide comment for their own application.

Is the manufacturing site located on Treaty First Nation land? No Yes

Instructions for Local Government/First Nation (LG/FN)

This serves as notice that an application for a lounge and/or special event area endorsement is being made within your community. The Branch requests that you consider this application (application form, letter of intent, and floor plan) and provide the Branch with resolution within 90 days of the above received date. Alternatively, LG/FN can delegate staff with the authority to provide comment.

- The applicant will bring their completed application form, patio appendix (if applicable), letter of intent, floor plan and site map (for outdoor areas) to LG/FN.
- If there are any major issues (e.g. zoning), LG/FN may hold off signing the application until the issues are resolved or they have a plan to deal with the issues.
- When LG/FN is comfortable with the application proceeding, LG/FN staff will sign Part 9 of the application form and return it to the applicant. LG/FN will keep a copy of the signed application form and all supporting documents.
- The applicant will submit the signed application package (with all required documents) to the Branch.
- Branch staff will contact LG/FN to confirm receipt of the application and identify the Branch staff responsible for processing the application.
- Branch staff and LG/FN staff will advise each other if there are any concerns with the proposed application.

To provide a resolution or comment:

- Gather public input for the community within the immediate vicinity of the establishment.
- Consider these factors which must be taken into account when providing resolution/comment:
 - The location of the establishment.
 - The person capacity and hours of liquor service of the establishment.

Provide a resolution/comment with comments on:

- The impact of noise on nearby residents.
- The impact on the community if the application is approved.
- The view of residents and a description of the method used to gather views.
- The LG/FN recommendations (including whether or not the application be approved) and the reasons on which they are based.

- Provide any reports that are referenced in, or used to determine, the resolution/comment.
- If more than 90 days is required, provide a written request for extension to the Branch.
- If LG/FN opts out, or is the applicant, the Branch will gather public input and contact LG/FN staff for information to assist the Branch in considering the regulatory criteria.

If you have any questions, or the establishment is located on Treaty First Nation land, please call the Branch toll-free at 1-866-209-2111 to speak to the Senior Licensing Analyst.

Part 10: Submit Application Package

Once signed by local government/First Nation, submit your complete application package to:

Liquor and Cannabis Regulation Branch
Courier: 400-645 Tye Road, Victoria BC V9A 6X5
Mail: PO Box 9292 Stn Prov Govt Victoria, BC V8W 9J8
E-mail: liquor.licensing@gov.bc.ca

If you have any questions, contact us toll-free at 866-209-2111 and ask to speak to the Senior Licensing Analyst for your geographic area. Or email us at liquor.licensing@gov.bc.ca or visit our website for more information: www.gov.bc.ca/liquorregulationandlicensing

Part 11: Application Fees (non-refundable)

Lounge Application Fee \$330.00 (non-refundable)
Special Event Area Application Fee \$330.00 (no lounge) or \$110.00 (if you already have a lounge or are applying in conjunction with a lounge)

In accordance with Payment Card Industry Standards, the branch is no longer able to accept credit card information via email.

Payment is by (check) one:

- Cheque, payable to Minister of Finance (if cheque is returned as non-sufficient funds, a \$30 fee will be charged)
- Money order, payable to Minister of Finance
- Credit card: VISA MasterCard AMEX
- I am submitting my application by email and I will call with my credit card information. I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 and understand that no action can proceed with my application until the application fee is paid in full.
- I am submitting my application by fax or mail and have given my credit information in the space provided at the bottom of the page.

The information requested on this form is collected by the Liquor and Cannabis Regulation Branch under Section 26 (a) and (c) of the Freedom of Information and Protection of Privacy Act and will be used for the purpose of liquor licensing and compliance and enforcement matters in accordance with the Liquor Control and Licensing Act. Should you have any questions about the collection, use, or disclosure of personal information, please contact the Freedom of Information Officer at PO Box 9292 STN PROV GVT, Victoria, BC, V8W9J8 or by phone toll free at 1-866-209-2111.

Credit Card Information (To be submitted by fax or mail only)

Name of cardholder (as it appears on card):

Credit card number: Expiry date: /
(Month) (Year)

Signature: _____

Appendix I – Patio(s)

Complete the following if your proposed endorsement(s) includes a patio(s).

1. Describe the height and composition of the patio perimeter or bounding (i.e. railings, fencing, planters, hedging, etc.). A patio must be defined and bounded by physical separation in order to control patrons and liquor within the service area.

A cedar board wall will surround the designated area. It will range from 4-8 feet in height. We do plan to incorporate planter beds into the fence.

2. Describe the location based on the endorsement type:
 - a. Lounge – may be a standalone patio on the manufacturing site. If there is an interior lounge area, the patio must be adjacent to the interior lounge.
 - b. Special Event Area – may be a patio attached to the manufacturing building or on-site store.

The patio is adjacent to the interior lounge area through one of the doors from the tasting room.

3. Describe how staff will manage and control the patio from the interior service area or how you will manage and control a stand-alone patio.

The staff will perform routine checks out to the patio. You can visually see areas of the patio through windows and glass doors from tasting room.

4. Specify if liquor service to the patio is from: (a) fixed bar located on the patio, (b) portable bar for the patio, (c) licensed interior:

Liquor service to the patio is from licensed interior.

5. Do servers have to carry liquor through any unlicensed areas to get to the patio? Explain:

NO

Note: Patios on grass, earth or gravel require a permit from the local Health Authority. Sidewalk patios require a permit from LG/FN.

PURPOSE

Pemberton Brewing Company will serve as a community hub where patrons can be served craft beer that has been manufactured onsite. The room is an open concept space where patrons can get the true feeling of being in a brewery. Local artists work will be displayed on the walls and up for consignment. The idea is to bring vibrancy to the business park of Pemberton. Although our proposed hours of operation are 9am to 3am rarely will these hours be implemented into our operating times.

Pemberton Brewing co will not be an establishment that encourages overconsumption through drink specials or gambling through keno or other such games.

PRODUCT

Pemberton Brewing company will be starting with 8 taps and have 4-6 mainstay products that will be continuously available throughout the year. Another 2-4 seasonal rotating beers will be added to offer variety to the consumer and strengthen product quality. Quality control will be installed through diligent note taking throughout the brewing process followed by product analysis. This combined with high quality, locally sourced ingredients will contribute to exceptional overall quality.

Non-alcoholic beverages will also be offered to patrons; sodas and water

FOOD

Two categories of food will be offered at Pemberton Brewing company. Snack food and hot food. The snack food will consist of various cured meats, pretzels and chips. A food truck or stand provided by an independent business will set up to offer hot food to patrons. In both cases, the food partners are yet to be determined.

Patrons are also encouraged to bring in food from neighbouring businesses

EVENTS

Pemberton Brewing company may host a variety of events. The room can be rented to host various private parties or fundraising events for the community.

ROAD ACCESS

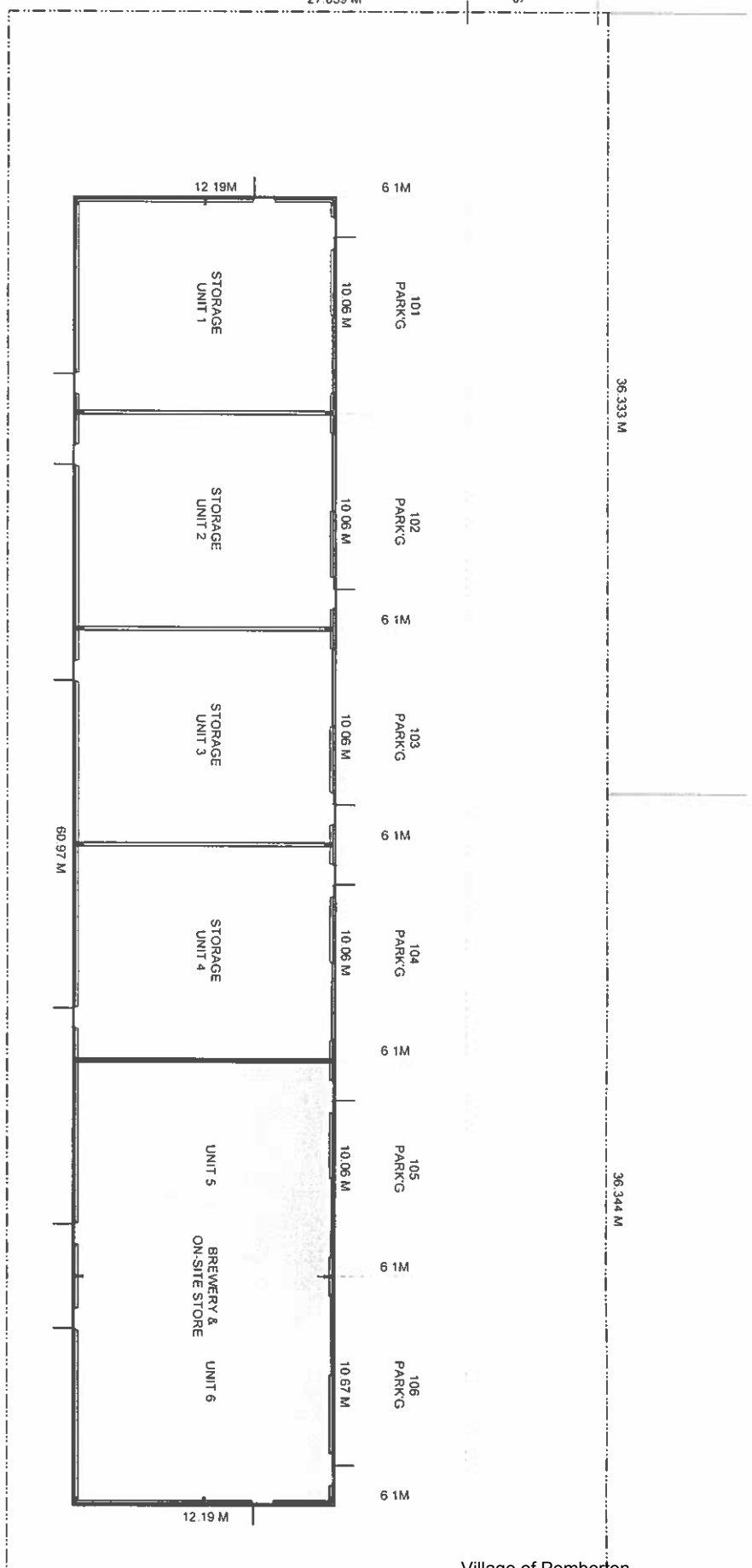
1936 STONECUTTER PLACE

27.839 M

36.333 M

36.344 M

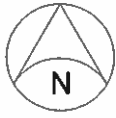
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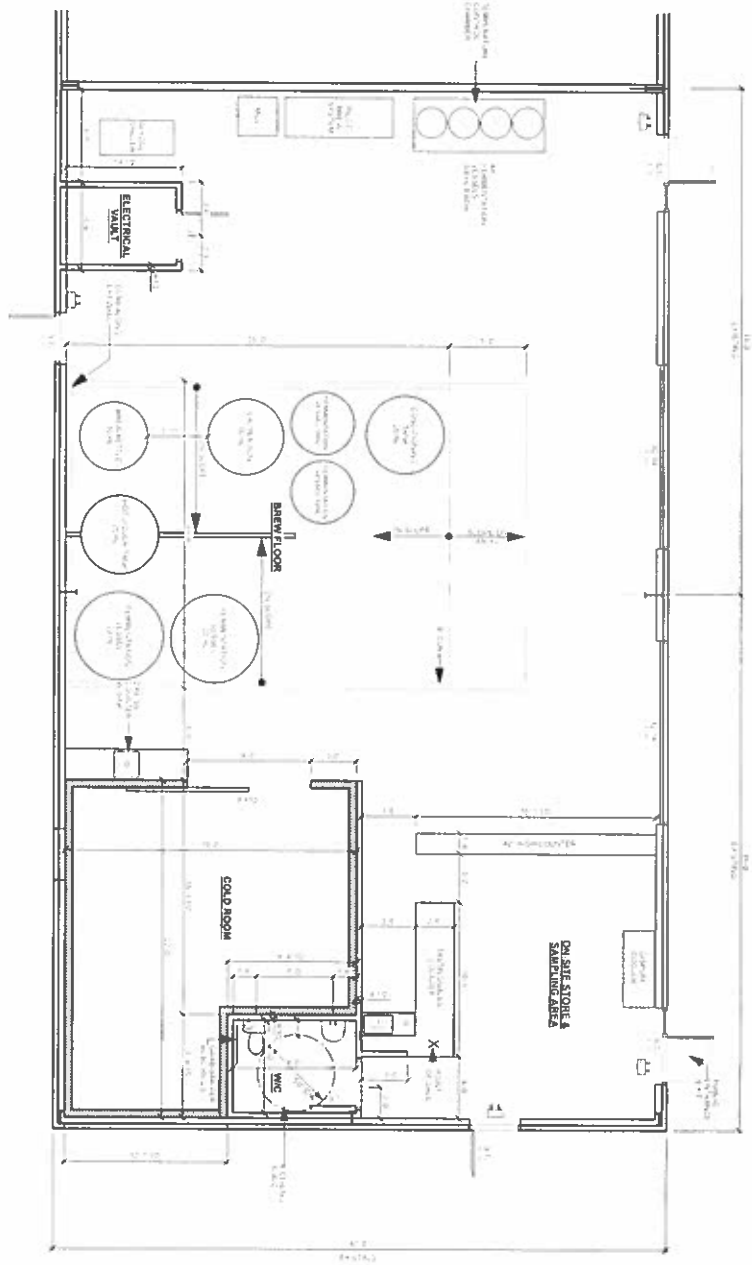
SITE PLAN

BACK 40 BREWING

UNIT #S/6,
1936 STONECUTTER PL.,
PEMBERTON BC



MAIN FLOOR PLAN



BACK 40 BREWING

UNIT #516,
1936 STONECUTTER PL
PEMBERTON BC

VILLAGE OF PEMBERTON

BYLAW NO. 838, 2018

A BYLAW TO PREVENT AND PROHIBIT NUISANCES AND DISTURBANCES

WHEREAS in accordance with the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of the community in relation to nuisances or other objectionable situations as set out in the *Community Charter*.

AND WHEREAS the Village of Pemberton wishes to promote a safe, comfortable and inviting community for all of its citizens, businesses and visitors;

AND WHEREAS the small minority of persons that create nuisances and disturbances and that, in general, engages in uncivil behaviour threatens the quality of life desired by the population as a whole; and

AND WHEREAS it is in the public interest for the Village of Pemberton to take the necessary measures to eliminate nuisances, disturbances and occurrences of uncivil behaviour; and

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

1. **CITATION**

This Bylaw shall be cited as the Village of Pemberton "Public Nuisance Abatement Bylaw No 838, 2018."

2. **DEFINITIONS**

In this Bylaw:

Bylaw Enforcement Officer means a person appointed to the position of Bylaw Enforcement Officer.

Graffiti includes any unauthorized inscription, drawing, writing, pictorial representation, message or slogan made on any surface by means of paint, chalk, ink or other substances, or by chisel, hammer, stone or other device.

Highway includes every *highway* within the Village of Pemberton and within the meaning of the *Highway Act*, and every road, street, lane, alley and right-of-way designed or intended for or used by the general public for the passage of

vehicles, and every place or passage way to which the public, for the purpose of parking or servicing of vehicles, has access or is invited; and every place or passage way owned or operated by the Village of Pemberton for the purpose of providing off-street parking.

Municipality means the Village of Pemberton.

Person means a natural person.

Public Nuisance means an unreasonable interference with the comfort, convenience or safety of the public in relation to their use of a *public place*.

Public place includes every sidewalk, park, courtyard, square, walkway, parkade and any other area open to public use.

RCMP Member means a member appointed by the Governor in Council pursuant to section 5 or paragraph 6(3) (a) of the *Royal Canadian Mounted Police Act*.

Solicit means to communicate, in person, using the spoken, written or printed word, a gesture or another means, for the purpose of receiving money or another thing of value, regardless of whether consideration is offered or provided in return.

3. **GENERAL PROHIBITIONS**

- 3.1 No person shall do anything that does, or tends to, cause a *nuisance*, on a *highway* or in a *public place*, including consume liquor in any *public place* except in compliance with a licence issued under the *Liquor Control and Licensing Act*, or camp in unauthorized areas, or use profane, obscene, abusive or grossly insulting language, gestures or displays.
- 3.2 No person shall impede or obstruct persons or vehicular traffic on a *highway* or *public place*, except as permitted by law.
- 3.3 No person shall deposit, throw or leave bottles, broken glass, litter or other rubbish on any *highway* or in a *public place*.
- 3.4 No person shall place graffiti on walls, fences or other surfaces in or visible from a *highway* or *public place*.
- 3.5 No person shall urinate or defecate on a *highway* or in a *public place* except in a facility so designated for such a purpose.
- 3.6 No person shall deface, cut, remove, destroy or damage a tree, shrub, structure, building or other thing or any real or personal property in a

public place, or destroy, deface or damage a traffic control device located in a *public place* or *highway*.

3.7 No person shall *solicit* on a *highway* or in a *public place* in a manner that would cause a reasonable person to be concerned for the solicited person's safety or security.

3.8 No person shall use streams, lakes, rivers or a *public place* for personal cleansing or washing laundry or dishes.

4. **EXEMPTIONS**

Bylaw Enforcement Officers, Village of Pemberton employees and persons authorized by the Village of Pemberton who, in the course of their duties, impede or obstruct the free movement of persons or vehicular traffic on *highways* or in *public places*, are excluded from the prohibitions and penalties contained in the Bylaw.

5. **ENFORCEMENT**

This bylaw may be enforced by the Village Bylaw Enforcement Officers and RCMP members.

6. **OFFENCE AND PENALTY**

6.1 Every person who contravenes any provision of this bylaw, or who causes, permits, suffers or allows any act or thing to be done in contravention of this bylaw, or who fails to do any act or thing required by this bylaw, commits an offence against this bylaw and upon conviction of an offence, shall be liable to:

a) shall be liable to a fine set out in the Village of Pemberton Municipal Ticket Utilization Bylaw as amended from time to time; or

b) if proceedings are brought under the *Offence Act*, pay a fine and/or penalty of not less than One Hundred Dollars (\$100) and not more than Ten Thousand Dollars (\$10,000), plus the costs of prosecution, and any other order imposed.

6.2 Each day that an offence against this bylaw continues amounts to a separate and distinct offence.

7. **SCHEDULES**

The following schedules are attached to and form part of this bylaw and are enforceable in the same manner as this bylaw:

Schedule "A" - Fines

8. **JURISDICTION**

This bylaw is applicable to and enforceable in the entire Municipality.

9. **SEVERABILITY**

If any section or subsection of this bylaw is found to be invalid by a court of competent jurisdiction, the section or subsection may be severed from the bylaw without affecting the validity of the remainder of the bylaw.

READ A FIRST TIME this 4th day of September, 2018.

READ A SECOND TIME this 4th day of September, 2018.

READ A THIRD TIME this 4th day of September, 2018.

ADOPTED this day of , 2018.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

SCHEDULE A

Fines for tickets issued pursuant to this bylaw shall be as follows:

DESCRIPTION OF OFFENCE	SECTION #	AMOUNT OF FINE
Cause a nuisance, camp in unauthorized areas, or use profane, obscene, abusive or grossly insulting language, gestures or displays	3.1	\$150.00
Impede or obstruct a person or vehicle	3.2	\$150.00
Deposit or throw bottles, broken glass, litter or other rubbish	3.3	\$150.00
Place graffiti on walls, fences or other surfaces	3.5	\$250.00
Urinate or defecate on <i>highway</i> or in <i>public place</i>	3.6	\$150.00
Deface, damage or destroy property in <i>public place</i>	3.7	\$250.00
Solicitation	3.8	\$50.00
Use streams, lakes or rivers for personal cleansing or washing laundry or dishes	3.9	\$150.00

**VILLAGE OF PEMBERTON
BYLAW NO. 839, 2018**

**A BYLAW TO PROVIDE FOR THE LICENCING AND CONTROL OF DOGS
AND BACKYARD HENS IN THE VILLAGE OF PEMBERTON**

WHEREAS in accordance with the *Community Charter* Council may, by bylaw, regulate, prohibit and impose requirements in relation to animals;

AND WHEREAS pursuant to Section 48 of the *Community Charter* Council may establish procedures for the seizure of *dogs*;

AND WHEREAS it is in the public interest for the Village of Pemberton to take the necessary measures to regulate the keeping of *dogs* and *Backyard Hens*;

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

CITATION

This Bylaw shall be cited as the *Village* of Pemberton "Animal Control Bylaw No. 839, 2018."

DEFINITIONS

In this Bylaw:

Aggressive Dog means:

- a) a *dog* that, being over the age of 3 months, has without provocation bitten or attacked a person or *domestic animal*, resulting in at least a minor injury;
- b) a *dog* that has, when not on the property of its *owner*, approached or pursued any person in an aggressive or menacing manner;
- c) a *dog* owned or harboured primarily or in part for the purpose of *dog* fighting, or a *dog* trained for *dog* fighting; or
- d) a *dog* with a demonstrated propensity, tendency or disposition to attack without provocation other *domestic animals* or humans.

Application means the application for a *Backyard Hen Keeping Permit* made in the form(s) established and prescribed by the *Village*;

At Large means with reference to an animal, means being elsewhere than on the property of its *Owner* or other;

Backyard Hen means a female chicken of four (4) months of age or older that is kept on a parcel of land, occupied by a resident. This does not include land zoned for agricultural uses as defined by the *Zoning Bylaw*;

Backyard Hen Keeping Permit means the written authority for the keeping of *Backyard Hens* granted by the *Manager* or designated pursuant to this Bylaw;

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

Control means to exercise restraining or directing influence;

Coop means a weather proof structure with walls and a roof used for the shelter of *Backyard Hens*;

Custody means immediate care or charge;

Dangerous Dog has the meaning defined in section 49 of the *Community Charter*;

Dog means any animal of the canine species;

Flock means the group of *Backyard Hens* kept on one property;

Keep means the act of having the care, custody, control or possession of an animal;

Kennel means any private or commercial facility for the keeping, training, care, breeding or boarding of four (4) or more *dogs*;

Manager means the Manager of Corporate & Legislative Services for the *Village* or a person appointed to act in their place;

Muzzle means a device which covers or secures the mouth of a *dog* and is designed to prevent it from biting;

Neutered means the sterilization of a female *dog* by removal of its ovaries or of a male *dog* by removing the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association;

Nuisance means any act, activity or condition that unreasonably interferes with the use and enjoyment of a property owner's parcel of land or of rights common to all, or that endangers health, safety or comfort of members of the public;

Nuisance Dog means any *dog* that is unreasonably disturbing the peace, quiet, enjoyment or convenience of persons in the neighbourhood by its persistent barking or howling or is *at large* in the neighbourhood;

Outdoor Enclosure means an open-air attachment to and forming part of a *Coop* having a bare earth or vegetated floor for *Backyard Hens* to roam, that has a roof and is enclosed with chicken wire or other fencing materials;

Owner means any person, partnership, association or corporation that owns, possesses or has control, care or custody over an animal;

Person means a natural person;

Person responsible or responsible person means a person who is the owner of the animal; has care, custody or control of the animal; or is keeping or harbouring the animal, provided that where the person is under the age of 19, the parent or guardian of such person is deemed to be the *person responsible*.

Police Officer means a member of the Royal Canadian Mountain Police;

Pound means the facility designated by the *Village*, which is used for the temporary housing and care of *dogs* that have been impounded pursuant to the bylaw;

Public Place includes every sidewalk, park, courtyard, square, walkway, parkade and any other area open to public use;

Resident means a person who resides on a permanent or long-term basis on the property for which the *Backyard Hen Keeping Permit* will apply;

Rooster means a male chicken;

Unlicensed Dog means a *dog* for which the licence fee for the current year has not been paid as herein provided, or to which a tag representing payment of the *dog* licence for the current year is not attached;

Village means the Village of Pemberton;

Wildlife means wildlife as defined by the *BC Wildlife Act* and/or other *dogs* indigenous to Canada whose ownership in captivity violates Provincial or Federal Canadian statutes.

Zoning Bylaw means the Village of Pemberton Zoning Bylaw No. 832, 2018 as amended or replaced from time to time.

CONTROL OF DOGS

1. Licencing of Dogs

- 1.1. No person shall keep, own, harbour or be in possession of any *dog* over the age of three (3) months within the *Village* unless such *dog* is licensed as provided by this bylaw.
- 1.2. The *owner* of a *dog* shall obtain an annual licence for such *dog* by paying the fee outlined in Schedule "A".
- 1.3. Every licence and corresponding licence tag issued under this Bylaw:
 - i. expires on the thirty-first (31st) day of December of the year in which it is issued; and
 - ii. is valid only in respect of the *dog* for which it is issued.
- 1.4. Where a licence tag is lost or destroyed, the person to whom the original licence was issued may, by paying the fee prescribed in Schedule A and applying on a form provided by the *Village*, apply to the *Manager* for a replacement licence or tag.
- 1.5. The owner shall ensure that any *dog* taken off of the owner's property shall cause the *dog* to wear around the neck a collar to which shall be attached the current licence tag issued for that *dog* by the *Village*. *Owners* are encouraged to have their *dog* bear permanent identification in the form of a visible veterinary tattoo or identifiable microchip.
- 1.6. An *owner* of a *dog* that is certified under the *Guide Dog and Service Dog Act*, must obtain a licence, but the licence fee is waived for such *dogs*.
- 1.7. A registry of all licensed *dogs* will be kept at the *Village* indicating the dates of registration, the name and description of each *dog*, and the name and address of each owner.
- 1.8. The owner of any licensed *dog* shall, within thirty (30) days of the *owner's* change address, notify the *Village* of such change of address.
- 1.9. Transient *dogs* that have affixed to its collar or harness a valid and subsisting licence tag issued by any jurisdiction outside the *Village* of Pemberton shall not be deemed ownerless but shall be subject to every other provision of this Bylaw.

2. Responsibilities of Owners – Dog Control

- 2.1. An owner shall ensure his or her *dog* does not run *at large* within the *Village*;
- 2.2. An owner shall ensure his or her dog does not enter the school playing fields or any other public space that has signage posted at any time;
- 2.3. Notwithstanding subsection 2.1, a dog is not required to be on a leash while in the designated off-leash area located on the northeast corner of One Mile Lake Park or any other Village designated off-leash area;
- 2.4. If any dog defecates on any public or private property other than the property of its owner, the owner shall remove such feces immediately and dispose of the same in a sanitary manner.
- 2.5. An owner shall ensure his or her dog does not persistently bark or howl or otherwise disturb the peace, quiet and enjoyment of the neighbourhood.
- 2.6. No owner of a dog shall permit his or her dog to:
 - a) chase, bite or attack any person or animal; or
 - b) cause damage to any property.
- 2.7. The owner of any dog that is lawfully not on a leash pursuant to subsection 2.3 shall:
 - a) keep the *dog* under control by verbal command at all times;
 - b) ensure that the *dog* does not cause injury to any person or other animal or damage to any property.
- 2.8. No person shall own more than three (3) dogs unless the person meets the requirements for operating a kennel and has obtained a licence under section 8.
- 2.9. No person shall keep his or her dog in an unsanitary environment.
- 2.10. For the purpose of subsection 2.9, an environment is considered unsanitary when it contains objects that may cause injury to any person or dog or where it contains an accumulation of fecal matter, an odour, insect infestation, rodent attractants, or other conditions which endanger the health of any person or dog, or which disturbs or are likely to disturb the enjoyment, comfort or convenience of any person or dog.

2.11. An owner shall ensure his or her dog does not upset any waste receptacles or scatter the contents thereof either in or about a street, boulevard, sidewalk, lane, or other public property or in or about premises not belonging to or in the possession of the owner of the dog.

2.12. Any dog found on public or private property:

- a) Without a required licence;
- b) Unlawfully at large;
- c) Straying or trespassing on private property;
- d) On unfenced land and not securely tethered or contained;
- e) In violation of health regulations or a bylaw of the *Village*

may be impounded immediately by the *Bylaw Enforcement Officer* or *Police Officer*, and impounded or disposed of in accordance with this Bylaw, and if any such action is taken, the owner must pay for any costs and expenses incurred by the *Village* and any applicable fees.

3. Responsibilities of Owners – Dog Care

3.1. An owner shall ensure his or her dog is provided with:

- a) clean potable drinking water and food of sufficient quantity and quality to allow for healthy growth and the maintenance of healthy body weight;
- b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
- c) the opportunity for regular exercise sufficient to maintain good health, including daily opportunities to be free of a confined area and exercised regularly under appropriate control; and
- d) necessary veterinary care when such *dog* exhibits signs of pain, injury, illness or suffering.

3.2. An *owner* of a *dog* which normally resides outdoors, or which is kept outdoors for extended periods of time, must ensure that the *dog* is provided with an outdoor shelter which:

- a) has a total area that is at least twice the length of the *dog* in all directions and that also allows the *dog* to turn around freely and adopt normal resting postures;
- b) ensures protection from heat, cold and dampness that is appropriate to the weight and type of protective outer coat of such *dog*.

- c) provides sufficient shade to protect the *dog* from the direct rays of the sun at all times; and
 - d) is regularly cleaned and sanitized and removed of excreta daily.
- 3.3. No person may cause a dog to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the dog's neck.
- 3.4. No *person* may cause a *dog* to be hitched, tied or fastened to a fixed object for longer than six (6) hours within a twenty-four (24) hour period.
- 3.5. No *person* may cause a *dog* to be confined in an enclosed space or vehicle, including a car, without adequate ventilation. Such enclosed space or vehicle, if stationary, shall be in an area providing sufficient shade to protect the *dog* from the direct rays of the sun at all times.
- 3.6. No *person* may transport a *dog* in a vehicle outside the passenger compartment or in an uncovered passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.

4. Aggressive Dogs

- 4.1. A Bylaw Enforcement Officer may designate a dog as an aggressive dog for the purposes of this Bylaw, based on his or her own knowledge or observation, a written communication from another Bylaw Enforcement Officer, or a written complaint about the dog that provides reasonable grounds for the designation.
- 4.2. If the Bylaw Enforcement Officer has designated a dog to be an aggressive dog, the Officer will deliver to the owner or other person responsible for the dog, if that person is known, written notice advising that the dog has been so designated. The notice may stipulate measures the person must take to prevent incidents of harm to other animals or to any person. The notice is sufficiently delivered if personally given or left with the person responsible, or mailed to the address of that person or where the dog is known or believed to reside. If mailed, the addressee is deemed to have received the notice six (6) days after the date of mailing.
- 4.3. The *owner* of a dog that has been designated as an aggressive dog may, within ten (10) calendar days of being delivered notice of the designation, request that the Bylaw Enforcement Officer reconsider the designation. The request must be accompanied by written reasons why the owner believes the dog is not an aggressive dog and may include any information that would

support that position. If requested, the Bylaw Enforcement Officer must allow the owner an opportunity to be heard, in person or by telephone or other device, and may arrange for any other person with relevant information to address the matter. If no request for reconsideration is made within ten (10) days of the notice being delivered, the designation is final.

- 4.4. After considering the owner's case, and other relevant information as may be presented, the Bylaw Enforcement Officer may confirm or reverse the aggressive dog designation.
- 4.5. If a dog has been deemed by the Bylaw Enforcement Officer to be an aggressive dog, but the dog has not:
 - a) killed or seriously injured a person;
 - b) killed or seriously injured a domestic animal while in a public place or on property other than property owned or occupied by the person responsible for the dog; or
 - c) been declared a dangerous dog by a court of competent jurisdiction;

the owner may request that Council review the designation of aggressive dog by the Bylaw Enforcement Officer by notifying the Chief Administrative Officer within fourteen (14) days of the date of the Bylaw Enforcement Officer's decision. Such a request must be in writing and include the owner's reasons for the request and any further information related to the matter. If a complete request is not made within fourteen (14) days, or the owner does not appear at a hearing as scheduled by the *Manager*, the decision of the Bylaw Enforcement Officer is deemed to be final.

5. Nuisance Dogs

- 5.1. A *person* aggravated or concerned about a *nuisance dog* or other animal causing a nuisance may contact a *Bylaw Enforcement Officer* to deal with the matter.

6. Impoundment

- 6.1. Any *person* may deliver to the pound any *dog* found *at large* where no *owner* appears to be present.
- 6.2. Where action is taken under section 6.1 the *dog* shall be considered impounded at the time and placed under the control of the *Bylaw Enforcement Officer*, pound keeper, or a *police officer*.

- 6.3. On receiving a *dog* that has been delivered to the pound, the pound keeper or *Bylaw Enforcement Officer* will:
- a) impound the *dog*; and
 - b) make reasonable efforts to determine the identity of the *owner* and to inform the *owner* that the *dog* has been impounded, whether the *dog* is alive or dead.
- 6.4. Any *dog* impounded will be provided with the basic *dog* care provisions described in Section 3 of this bylaw and with the requirements set out in *A Code of Practice for Canadian Kennel Operations* (Canadian Veterinary Medical Association, 2007).
- 6.5. The *dog* shall remain impounded for a minimum of 72 hours (not including the date of impoundment, Sundays, or Statutory Holidays), unless the *dog* is claimed by its rightful *owner*. If not claimed within that time, the *dog* shall become the property of the *Village* and the *Village* may:
- a) provide such veterinary care for an injured or ill impounded *dog* as may be necessary to sustain its life; and
 - b) recover from the *owner*, the cost of veterinary care provided while the *dog* was impounded, in addition to any other fees due to the *Village* for redemption of the *dog*.
 - c) be adopted for such price as has been established once implanted with a microchip or tattoo, unless the dog is a dangerous dog; or
- 6.6. During the impoundment period, the pound keeper may euthanize, by lethal injection of a barbiturate approved by the British Columbia Veterinary Medical Association, any *dog* deemed to be seriously ill or injured, for humane reasons and in prior consultation with a veterinarian, and if reasonable efforts to contact the *owner* of the *dog* have failed.
- 6.7. During the impoundment period, the pound keeper shall:
- a) provide such veterinary care for an injured or ill impounded *dog* as may be necessary to sustain its life; and
 - b) be entitled to recover from its *owner*, the cost of veterinary care provided while the *dog* was impounded, in addition to any other fees due to the *Village* for redemption of the *dog*.

- 6.8. When a *dog* seized and impounded does not have a permanent form of identification (veterinary tattoo or microchip), the pound keeper shall encourage the *owner* to implant the *dog* with a microchip.
- 6.9. In order to obtain the release of an impounded *dog* during the impoundment period stipulated in subsection 6.5, the *owner* shall:
- a) provide proof of *ownership* of the *dog*;
 - b) licence the *dog* with the *Village*;
 - c) pay to the *Village*:
 - i. any applicable fines as outlined in Schedule "A";
 - ii. any costs associated with the application of the microchip or tattoo should that be done by the pound;
 - iii. per diem *dog* care and housing fees as identified in Schedule "A";
 - iv. any costs incurred due to veterinary services rendered during the impoundment period.
- 6.10. Where the *owner* of a *dog* has been determined and all reasonable efforts to contact such *owner* have been made, but such *owner* does not claim the *dog*, they shall be responsible for payment to the *Village* of the fees described in subsection 6.5.

7. Dangerous Dog Licencing

- 7.1. No person shall own or keep any dangerous *dog* unless such *dog* is licensed as a dangerous *dog* with the *Village* by an *owner* who is over the age of eighteen, and who has paid the applicable fee indicated in Schedule A.
- 7.2. In order to obtain such licence, an *owner* of a dangerous *dog* shall supply the following documentation to the *Village*:
- a) written confirmation from a licensed veterinarian that such *dog* has been neutered;
 - b) written confirmation from an approved *dog* trainer that the services of such trainer have been retained for the purpose of providing behavioural remediation to such *dog*;
 - c) written confirmation that the *owner* has obtained a policy of liability insurance specifically covering any damages for injuries caused by such *dog* in an amount not less than five hundred thousand dollars, and covering the twelve-month period during which licensing is sought. This policy shall contain a provision requiring the community to be named as

an additional insured for the sole purpose of the community to be notified by the insurance company of any cancellation, termination or expiration of the policy.

- 7.3. When such *dog* is off the property of the *owner*, the *owner* shall ensure that it is properly fitted with a muzzle and on a leash not longer than one (1) metre and that it is under the control of a responsible person over the age of eighteen.
- 7.4. When such *dog* is on the property of the *owner*, the *owner* shall ensure that it is either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent it from escaping and to prevent the entry of any person not intended to access such *dog*. Such pen or structure shall comply with subsection 3.2 of this bylaw and shall not be within 1.5 metres of the property line or within three (3) metres of a neighbouring dwelling unit.
- 7.5. The *owner* of such *dog* shall display a sign declaring in legible writing and with a recognizable symbol that the *dog* is dangerous at each entrance to the property and building in which such *dog* is kept.
- 7.6. The *owner* of such *dog* shall promptly notify the *Village's Bylaw Enforcement Office* if the *dog* is found to be running *at large*;
- 7.7. If the *owner* of a dangerous *dog* is unwilling or unable to comply with the requirements of this section, said *dog* may be seized and impounded up to twenty-one (21) days and the *Bylaw Enforcement Officer* may apply to the Provincial Court for an order to have the *dog* destroyed by lethal injection of a barbiturate approved by the British Columbia Veterinary Medical Association.

8. **Kennels**

- 8.1. Four (4) or more *dogs* may not be kept or harboured on any property or residential unit unless a valid and subsisting kennel licence has been issued under this Bylaw.
- 8.2. No *kennel* shall be permitted:
 - a) in a residential zone;
 - b) in any other zone within fifty (50) metres of the parcel boundary of any property other than that occupied by the *owner*.
- 8.3. No *person* shall keep or maintain a *kennel* without first having made application, on a form provided by the *Village*, and having obtained a kennel licence and Business Licence. The application for such kennel licence shall be accompanied by the fee prescribed in Schedule "A".

BACKYARD HEN KEEPING

9. General

- 9.1. A person must not keep *Backyard Hens* except in accordance with this Bylaw, the *Zoning Bylaw* and with a *Backyard Hen Keeping Permit*.
- 9.2. A person who keeps *Backyard Hens* without a permit is subject to a fine as set out in Schedule "B".

10. Permit Application & Fees

- 10.1. A person may apply for a *Backyard Hen Keeping Permit* by submitting an application in writing to the *Manager*, in a form approved by the *Manager*, together with a non-refundable permit fee as set out in Schedule "A".

11. Authority of the Village Manager

- 11.1. Upon receiving a complete application together with payment of applicable fees, the *Manager* may, issue a *Backyard Hen Keeping Permit* and as a condition of the Permit, may impose terms, restrictions and requirements to ensure the use will be compliant.
- 11.2. The *Manager* may suspend, revoke or cancel a *Backyard Hen Keeping Permit* immediately or upon notice if the *Manager* finds the Permit holder has contravened this or another applicable bylaw or regulation, or any term or condition of the Permit.
- 11.3. The *Manager* may impose restrictions and requirements as a condition of restating or reissuing the Permit to remedy the contravention and ensure continuing compliance.

12. General Regulations

- 12.1. A person who keeps *Backyard Hens* must:
 - a) Be a resident of the property where the *Backyard Hens* are kept;
 - b) Hold a valid *Backyard Hen Keeping Permit*;
 - c) Keep no more than five (5) *Backyard Hens* on any parcel of land despite the number of permissible dwelling units on that parcel;
 - d) Not keep a rooster;

- e) Provide each *Backyard Hen* with food, water, shelter, light, ventilation, veterinary care and opportunities for essential behaviours such as scratching, dust-bathing and roosting, all sufficient to maintain the *Backyard Hen* in good health;
- f) Keep a food container and water container in each *Coop*;
- g) Ensure that all *Backyard Hens* are kept within a secure *Coop* from sunset to 7:00 a.m.;
- h) Ensure that each *Backyard Hen* remains at all times in a *Coop* or *Outdoor Enclosure*;
- i) Not keep a *Backyard Hen* in a cage;
- j) Remove leftover feed, trash and manure in a timely manner;
- k) Store manure within a fully enclosed structure and store no more than 0.8 cubic metres at one time;
- l) Remove all manure not used for composting or fertilizing;
- m) Not deposit manure in the *Village's* sewage or storm drain system;
- n) Follow the Canadian Food Inspection Agency *National Biosecurity Standards and Biosecurity Principles*;
- o) Keep a *Backyard Hen* for personal use only and not sell eggs, manure, meat or other products derived from the *Backyard Hens*;
- p) Not slaughter or attempt to euthanize a *Backyard Hen* on the property;
- q) Not dispose of a *Backyard Hen* except by delivering it to a farm, abattoir or a veterinarian, mobile slaughter unit or other facility that has the ability to dispose of a *Backyard Hen* lawfully;

13. Coops and Outdoor Enclosures

13.1. A person who keeps *Backyard Hens* must:

- a) provide a *Coop* and *Outdoor Enclosure* providing each *Backyard Hen* with a minimum of 0.4m² coop floor area and 0.92m² area of enclosed outdoor run space per *Backyard Hen*;

- b) provide each *Backyard Hen* with its own nesting box and perch that is at least fifteen (15) centimetres long;
- c) ensure that the *Coop* and *Outdoor Enclosure* is situated in accordance with the *Zoning Bylaw*; ensure that the *coop* and *outdoor enclosure* is a minimum of three (3) m from any dwelling window or door;
- d) secure the *Coop* and *Outdoor Enclosure* with electric fencing;
- e) maintain each *Coop* and *Outdoor Enclosure* in good repair and sanitary condition and free from vermin and obnoxious smells and substances;
- f) construct and maintain each *Coop* and *Outdoor Enclosure* to prevent any rodent from harbouring underneath or within it or within its walls and to prevent entrance from any other wildlife.

14. Limit to Number of Flocks

- 14.1. The Village of Pemberton reserves the right to limit the number of backyard flocks permitted in the Village and in each neighborhood or block.

PROHIBITED ANIMALS

15. Except as provided in subsection 16 of this bylaw, no person shall:

- 15.1. breed;
- 15.2. possess;
- 15.3. exhibit for entertainment or educational purposes, or
- 15.4. display in public either on a temporary basis or permanent basis,
any prohibited animal listed in Schedule "C".

16. Subsection 15 does not apply to:

- 16.1. The premises of a local government facility used for keeping impounded animals;
- 16.2. The premises of any police department;
- 16.3. Premises operated by the British Columbia Society for the Prevention of Cruelty to Animals;

- 16.4. The premises of a veterinarian licensed by the British Columbia Veterinary Medical Association, providing the veterinarian is providing temporary care for a prohibited animal;
- 16.5. Premises that keep prohibited animals for which a valid permit and/or license is in place pursuant to the *Wildlife Act* or *Fur Farm Act*;
- 16.6. Premises that keep animals for educational and research purposes, which are accredited by the Canadian Council for Animal Care;
- 16.7. Premises of an aquarium or zoological park, which is accredited by the Canadian Association of Zoological Parks and Aquaria.

ENFORCEMENT

17. This Bylaw may be enforced by the *Manager*, a *Police Officer* or a *Bylaw Enforcement Officer*.

ENTERING LAND TO CARRY OUT AN ORDER

19. The *Manager*, a *Police Officer*, or a *Bylaw Enforcement Officer* acting under the direction of the *Manager*, may enter at all reasonable times into or upon any lands or premises to ascertain whether the provisions of this Bylaw are being met.
20. A person must not prevent or obstruct the *Manager*, a *Police Officer*, or a *Bylaw Enforcement Officer* from carrying out any inspections or performing other functions under this bylaw.

FINES

20. Any *person* who commits an offence against this Bylaw is subject to a fine as outlined in Schedule "B" attached.

OFFENCES AND PENALTIES

21. Any *person* who:
 - 21.1. violates or contravenes any provision of this Bylaw;
 - 21.2. causes or allows any act or thing to be done in contravention or violation of any provision of this Bylaw;
 - 21.3. fails or neglects to do, or refrains from doing, any act or thing which is required to be done by any provision of this Bylaw;

- 21.4. fails to comply with an order, direction or notice given under this Bylaw;
commits an offence and contravention and for each day that the offence continues amounts to a separate and distinct offence.

22. A *person* convicted of an offence or found guilty of a contravention under this bylaw is liable:

- 22.1. If proceedings are brought under the *Offence Act*, to pay a fine to a maximum of \$10,000 and such other amounts as the court may impose in relation to the offence;
- 22.2. If a ticket is issued under the Municipal Ticket Information Utilization Bylaw No. 800, 2016 as amended or replaced from time to time, to pay a fine to a maximum of \$1,000;
- 22.3. If a bylaw notice is issued under a bylaw made under the *Local Government Bylaw Notice Enforcement Act*, to pay a penalty to a maximum authorized under that *Act*

COST RECOVERY

23. Where a *person* fails to pay the *Village's* costs as required by this Bylaw or where a *person* subject to an order under this bylaw fails to act required by the order and the *Village* carries out the work or otherwise fulfills the requirement, the *Village* may recover its costs from the *owner*, occupier or *person responsible* for the work or for payment of the costs, as a debt to the *Village*. Money owed to the *Village* under this bylaw is payable upon receipt of an invoice from the *Village*.

SCHEDULES

24. The following schedules are attached to and form part of this bylaw and are enforceable in the same manner as this bylaw:

- Schedule "A" – Fees
- Schedule "B" – Fines
- Schedule "C" – List Prohibited Animals

SEVERABILITY

25. If any section or subsection of this bylaw is found to be invalid by a court of competent jurisdiction, the section or subsection may be severed from the bylaw without affecting the validity of the remainder of the bylaw.

REPEALED BYLAWS

Village of Pemberton Animal Control Bylaw No. 651, 2010 is hereby repealed.

Village of Pemberton Animal Control Amendment Bylaw No. 779, 2015 is hereby repealed.

READ A FIRST TIME this 4th day of September, 2018.

READ A SECOND TIME this 4th day of September, 2018.

READ A THIRD TIME this 4th day of September, 2018.

ADOPTED this day of , 2018.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Fourth & Final October 2 2018

Schedule A – LICENSE FEES

LICENSE FEES (New and Renewals): Section 1

Dog License Fees (Before January 31st):

UNNEUTERED MALE:	\$ 65.00
UNSPAYED FEMALE:	\$ 65.00
NEUTERED:	\$ 25.00
SPAYED:	\$ 25.00
UNDER 3 MONTHS:	\$ 15.00
REPLACEMENT TAG:	\$ 10.00

Dog License Fees (After January 31st)

UNNEUTERED MALE:	\$ 85.00
UNSPAYED FEMALE:	\$ 85.00
NEUTERED:	\$ 40.00
SPAYED:	\$ 40.00

IMPOUND FEES: Section 6

FIRST OFFENCE (UNLICENSED):	\$ 75.00
FIRST OFFENCE (LICENSE):	\$ 30.00
SECOND OFFENCE:	\$ 100.00
THIRD OFFENCE:	\$ 150.00
FOURTH AND SUBSEQUENT OFFENCES:	\$ 300.00
MAINTENANCE FEE PER DAY:	\$ 25.00

DANGEROUS DOG LICENSE FEE: Section 3.7.1

DANGEROUS DOG	\$100.00
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KENNEL LICENSE FEE: Section 3.8.3

KENNEL PERMIT FEE:	\$ 100.00
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BACKYARD HEN KEEPING PERMIT : Section 4.2

NON-REFUNDABLE PERMIT FEE :	\$25.00
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Schedule B - FINES

Control of Dogs

Bylaw Section	First Offence	Second Offence	Third Offence	Fourth & Subsequent Offences
Section 1.1 Licensing of Dogs (Unlicensed Dogs)	\$75	\$100	\$150	\$300
Section 2 Responsibility of Owners – Dog Control	\$50	\$75	\$100	\$150

Backyard Hen Keeping

Bylaw Section	First Offence	Second Offence	Third Offence	Fourth & Subsequent Offences
Section 9.2 Backyard Hen Keeping without a Permit	\$50	\$75	\$100	\$150
Section 12 General Regulations – Backyard Hen Keeping	\$50	\$75	\$100	\$150

Schedule C – LIST OF PROHIBITED ANIMALS

- all nonhuman primates
- all felidae, except the domestic cat
- all canidae, except the domestic dog
- all ursidae (bears) - all proboscidea (elephants)
- all pinnipedia (seals, walrus)
- all marsupials
- all edentates (anteaters)
- all xenartha (such as sloths, armadillos, and tamanduas)
- all monotremata (spiny anteater and platypus)
- all venomous or poisonous reptiles and amphibians
- all reptiles and amphibians over 2ft adult size
- all venomous or poisonous invertebrates (such as black widow spiders, tarantulas, and blue-ringed octopus)
- all ungulates, except the bison and the domestic breeds of cow, goat, sheep, pig, horse, mule, donkey, ass, llama, and alpaca - all hyenidae (hyenas)
- all hyracoidean (hyraxes)
- all erinaceidae (tenrecs and hedgehogs)
- all mustelidae (skunks, weasels, otters, wild ferrets), except the domestic ferret - all procyonidae (raccoons, coatimundis)
- all viverridae (civets and genets)
- all herpestidae (mongooses)
 - all cetacea (whales, porpoises, dolphins)
- all rodentia, except the hamster, gerbil, guinea pig, domestic mouse, and domestic rat

Animal Control Bylaw No. 839, 2018

- all chiroptera (bats), colugos (flying lemurs), and scandentia (treeshrews)
- all lagomorphs (rabbits and hare), except the domestic rabbit
- all birds except the domestic quail, pheasant, pigeon, chicken, duck, goose and turkey, plus the budgie, cockatiel, lovebird, finch, and canary
- all saltwater fish

Fourth & Final October 2 2018

**VILLAGE OF PEMBERTON
BYLAW No. 840, 2018**

**Being a Bylaw to establish Parking and Traffic Control
within the Village of Pemberton**

WHEREAS Section 36 of the *Community Charter* and Part 3 of the *Motor Vehicle Act* authorize Council to regulate and prohibit in relation to parking, traffic and other uses of highways in the Village of Pemberton:

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

PART 1: CITATION

1.1. This bylaw may be cited as “Parking and Traffic Control Bylaw No. 840, 2018”.

PART 2: DEFINITIONS

2.1. In this bylaw:

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

Camp or Camping shall mean the act of using or occupying land for the purpose of locating, erecting or using a *Vehicle* or *Trailer*, or a tent, shed, or other similar structure for the provision of sleeping accommodation and includes sleeping overnight or any portion thereof in the open air;

Chief Administrative Officer or “CAO” means the person appointed by *Council* under section 147 of the *Community Charter*, or a person appointed by *Council* to act in place of that Officer.

Commercial Vehicle includes:

- (a) every *vehicle* defined as a *commercial vehicle* in Section 1 of the *Commercial Transport Act*;
- (b) every *vehicle* used for the collection, delivery or transportation of goods or passengers in the course of a business; and
- (c) every tradesman’s *vehicle*.

Council means the Council of the Village of Pemberton;

Crosswalk means:

- (a) a portion of the roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the road surface; or
- (b) the portion of a *highway* at an intersection that is included within the connection of the lateral lines of the *sidewalk* on the opposite sides of the *highway*, or within the extension of the lateral lines of the *sidewalk* on one side of the *highway*, measured from the *curbs*, or in the absence of *curbs*, from the edges of the roadway.

Curb means a raised portion of *highway* forming a line of demarcation between the roadway and the boulevard of a *highway*;

Disabled Persons' Parking Permit means a permit issued for the parking of *vehicles* which are used to transport persons with disabilities, in accordance with Division 38 of the *Motor Vehicle Act Regulations*;

Disabled Parking Zone means a portion of *highway* reserved for the exclusive use of persons with disabilities, as identified by a disabled parking sign set out in Schedule 2 of Division 23 of the *Motor Vehicle Act Regulations*;

Fire Chief means the officer-in-charge of Pemberton Fire Rescue or a person appointed to act in place of the *Fire Chief*;

Fire Lane means that portion of a *highway* designated as such by a *traffic control device* and reserved for unobstructed access by Pemberton Fire Rescue emergency *vehicles*;

Highway includes a street, road, lane, bridge, viaduct, *sidewalk*, boulevard, approaches and any other way open to public use, other than a private right of way on private property;

Loading Zone means that portion of a *highway* designated as such by a *traffic control device* and reserved for the exclusive use of loading or unloading of *commercial vehicles*;

Manager means the Manager of Operations and Development Services for the *Village* or a person appointed to act in their place;

No Parking Zone means that portion of a *highway* designated as such by a *traffic control device* that specifies that parking is prohibited, either generally or at specified times;

No Stopping Zone means that portion of a *highway* designated as such by a *traffic control device* that specifies that stopping is prohibited, either generally or at specified times;

Owner, with respect to a *vehicle*, means the person who holds the legal title to the *vehicle*, a person who is a conditional purchaser, a lessee or a mortgagor, and is entitled to be and is in possession of the *vehicle*, or the person in whose name the *vehicle* is registered.

Parking Lot means a public *parking lot* that is owned or operated by the *Village*;

Parking Permit means a permit issued under Section 13.3 of this Bylaw;

Parking Space means a section of a *highway* indicated by a *traffic control device* as a place to park one *vehicle*;

Person with Disability means a person whose mobility is limited as a result of a permanent or temporary disability that makes it impossible or difficult to walk.

Police Officer means a member of the Royal Canadian Mounted Police;

Sidewalk means the area between the curb-lines or lateral lines of a roadway and the adjacent property lines improved for use of pedestrians;

Tradesman's Vehicle means any *vehicle*, the *owner* or operator of which holds a valid business license in the *Village* as a tradesman;

Traffic Control Device means a sign, signal, painted line, meter, road surface or other marking, space, barrier or any other device, erected or placed by direction of the *Manager*;

Trailer means any of various accessory, non-motorized *vehicles*, commonly towed by automotive *vehicles*;

Vehicle means a device in, on or by which a person or thing is or may be transported or drawn on a *highway*, but does not include a device designed to be moved by human power, a device used exclusively on stationary rails or tracks or a motor assisted cycle.

Village means the Village of Pemberton;

Winter Parking Restrictions means temporary directions issued by the Manager of Operations and Development Services for the Village to accommodate winter snow clearing operations.

- 2.2. Except as otherwise defined, words and phrases in this bylaw are to be construed in accordance with their meanings under the *Community Charter*, the *Motor Vehicle Act*, the *Local Government Act* and the *Interpretation Act*, as the context and circumstances require. Reference to a statute refers to a statute of British Columbia and reference to another bylaw refers to a bylaw of the *Village* unless otherwise indicated. Reference to any statute, regulation, code or bylaw refers to that enactment as it may be amended or replaced from time to time. In the event of an inconsistency between this Bylaw and a Provincial enactment, the more restrictive law prevails. Words in the singular include the plural and vice versa. Headings in this Bylaw are for convenience only and must not be construed as defining or in any way limiting the scope or intent of this Bylaw.

PART 3: GENERAL RESTRICTIONS

- 3.1. A person must not:

- a) While on a *highway*, interfere or fail to comply with the directions of a *police officer*, *bylaw enforcement officer* or firefighter acting in the course of their duties;
- b) Remove or discard a notice or ticket placed on or affixed to a *vehicle* by a *police officer* or *bylaw enforcement officer* in the course of enforcing this Bylaw, unless the person is the *owner* or operator of that *vehicle*;
- c) Deface, paint, mark or damage a *highway* or any part of a *highway*;
- d) Obstruct, cover, alter, deface, damage, interfere with or remove a *traffic control device* or any part of it;
- e) *Camp*, or otherwise erect a tent or similar shelter, on any *highway*;
- f) Park a *vehicle* or *trailer* on any *highway* or part of a *highway*, Municipal right of way or parking lot, or other public space between the hours of 10:00 p.m. and 6:00 a.m. for the purpose of sleeping, except where a sign or other *traffic control device* indicates that a place may be used for that purpose; or
- g) Abandon a *vehicle* on a *highway* except by direction of a *police officer* or as required by law, unless abandoning the *vehicle* is strictly necessary and, in any case, the owner or operator must inform the RCMP or the *Manager* of the *vehicle's* location as soon as possible, and arrange to have the *vehicle* removed to a suitable location. All expenses, costs and charges of removal and storage shall be the responsibility of the *owner* of the *vehicle*.

PART 4: GENERAL PARKING AND STOPPING PROHIBITIONS

- 4.1. Except when necessary to avoid conflict with traffic; to comply with the directions of a *police officer*, firefighter, *bylaw enforcement officer* or *traffic control device*; or as specifically permitted under this or another bylaw of the Village of Pemberton; a person must not stop, stand or park a *vehicle* or *trailer*.
- a) within six (6) metres of any fire hydrant;
 - b) in an area designated as a:
 - i. *fire lane*;
 - ii. *no parking zone*;
 - iii. *no stopping zone*;
 - iv. *loading zone*;
 - c) in an area designated as a *Disabled Parking Zone* except where a current *Disabled Persons' Parking Permit* is displayed clearly from the *vehicle*;
 - d) adjacent to a *curb* that is painted yellow;
 - e) on a crosswalk;
 - f) within six (6) metres of the approach of a *crosswalk*;
 - g) so as to interfere with the normal flow of traffic;
 - h) on a *sidewalk*, boulevard, shoulder, trail or any place reserved for pedestrians except where specifically designated as a parking zone;
 - i) so as to obstruct or prevent access to or from a driveway, lane, or right of way or other access to an adjoining parcel of land;
 - j) within six (6) metres of any *traffic control device* located at an intersection of any *highway*; or within any *crosswalk*, *highway* intersection or roundabout.
 - k) on any *highway*, including the shoulder thereof, for the purpose of:
 - i. displaying a *vehicle* for sale;
 - ii. displaying signs;
 - iii. advertising, washing, greasing, repairing, wrecking or storing a *vehicle* or *trailer*, except where necessitated by an emergency; or
 - iv. selling any goods or services;

- l) on a *highway* except on the right-hand side; not further than thirty (30) centimeters from the *curb* or if there is no *curb*, from the edge of the roadway;
- m) in the opposite direction of on-coming traffic;
- n) in contravention of any sign or other *traffic control device* posted or installed pursuant to this bylaw;
- o) on any *highway* for a period longer than seventy-two (72) hours;
- p) in front of a barricade used to block off a roadway or access to a roadway;
- q) in a public park, except in designated areas;
- r) on any *highway* if:
 - i. the *vehicle* is not displaying a valid licence plate; or
 - ii. the *vehicle* is not insured, as evidenced by the display of a valid insurance decal;
- s) on the roadway side of another *vehicle* that is stopped or parked at the edge or *curb* of a roadway, except when necessary to avoid conflict with traffic or to comply with the law or directions of a *police officer* or *traffic control device*; and
- t) on any portion of *highway* that is indicated by *traffic control device* as being a bus stop, taxi stand, or *loading zone*, or otherwise reserved for buses, taxis, *commercial vehicles*, or for any other type or class of *vehicle*, other than for stopping, standing or parking a *vehicle* that is clearly within that class;
- u) on any portion of a *highway* that is marked or indicated by surface markings or other *traffic control device* as a cycle lane;
- v) on any portion of a *highway* for a longer period of time than indicated on any traffic sign or other *traffic control device* applicable to that portion of the *highway*;
- w) within any residential zone of the *Village*, if the *vehicle* or *trailer* is a *commercial vehicle* having a gross *vehicle* weight exceeding 5,500 kilograms, unless the *vehicle* or *trailer* is temporarily parked and persons are engaged in the moving, loading, or unloading of furniture, other personal property of a resident within the *Village* or for construction purposes related to a property on that street;

- 4.2. *Winter Parking Restrictions* are in effect between the hours of 9 p.m. to 9 a.m. local time inclusive, on Monday through Sunday, from November 15th of each year to March 31st of the succeeding year. When *Winter Parking Restrictions* are in effect, a person must not park a *vehicle* or *trailer*, or leave any chattel or thing, on that side of any *highway* on which civic addresses are assigned even numbers, except as permitted by a *traffic control device*.
- 4.3. Where angle parking is provided or allowed, the driver of a *vehicle* must park in accordance with the *traffic control device*, permit or other authority, and as close to the *curb* as practicable.
- 4.4. Where a sign indicates that a *parking lot* belongs to the *Village*, a person must not park a *vehicle* in that lot contrary to any posted restriction or prohibition.

PART 5: MOTOR VEHICLE IDLING

- 5.1. A person must not cause, permit, or allow a motor *vehicle* to idle for more than three (3) consecutive minutes, whether or not the *vehicle* is being driven or is unattended, and whether or not locked or unlocked with the *vehicle* engine idling for a period longer than three (3) minutes, unless;
 - a) the *vehicle* is in lanes of active traffic,
 - b) the *vehicle* is undergoing emergency repairs along a roadside, or
 - c) the *vehicle* is an emergency *vehicle*.
 - d) to power a heating or refrigeration system in order to preserve perishable cargo.

PART 6: TIME-LIMIT PARKING

- 6.1. A person must not park a *vehicle* in a stall for a period of time greater than the time indicated by the *traffic control device* governing the stall except where the *vehicle* is parked in a public *parking lot* designated for the use of public parking passes and where a valid pass is displayed from the rear-view mirror of the *vehicle*.
- 6.2. Where the time limit for parking in a stall has expired and a person requires further parking, the person may:
 - a) park the *vehicle* in another stall located a minimum 50m from the stall vacated.

PART 7: PARKING LOTS

7.1. A person must not park any *vehicle* or *trailer* on any Municipal *parking lot* or in a *parking space*:

- a) for a period longer than the posted maximum time restriction;
- b) during any time period for which posted parking regulations designate the *parking lot* or *parking space* as a *no parking zone*;
- c) such that any portion of the *vehicle* or *trailer*:
 - i. extends into the roadway or *parking lot* beyond the markings delineating the *parking space*; or
 - ii. occupies more than one *parking space*;
 - iii. for a period longer than 72 hours;
 - iv. for *camping*;
 - v. between the hours of 9 p.m. to 9 a.m. local time inclusive, on Monday through Sunday, from November 15th of each year to March 31st of the succeeding year.

PART 8: NUISANCE and OBSTRUCTION

8.1. A person must not cause a nuisance on, foul or damage any *highway*, and without limiting the generality of that, must not:

- a) cause, permit or allow an unauthorized obstruction on a *highway* or any part of a *highway* or throw, or cause or allow to fall, place or deposit on a *sidewalk*, boulevard, lane or other part of a *highway*:
 - i. garbage, rubbish, food peelings, gum, animal droppings or carcasses, or other discarded or waste materials;
 - ii. earth, rocks, gravel, cement, clay, dust or similar matter;
 - iii. trees, branches, stumps, logs, leaves, lawn or garden clippings, agricultural waste or other discarded vegetable matter;
 - iv. discarded or abandoned paper, plastic, glass, electronics, appliances or furniture, except as authorized in writing by the *Manager*.

- b) permit, suffer or allow litter, food, garbage, rubbish, or other waste or discarded materials or objects to remain or accumulate on a *sidewalk* or gutter adjacent to, or that could be affected by, a parcel or premises of which the person is an *owner* or occupant;
- c) cause, permit, suffer or allow substances such as fuels, oils, gas, or noxious liquids, solids or effluvia to escape onto a *highway* or into a gutter, ditch, or storm drain system within, affixed or adjacent to or near any part of a *highway*; or
- d) place, or cause to be placed, any garbage or recycling container so as to interfere with the ordinary passage of *vehicles*, pedestrians, and cyclists riding within marked cycle lanes.

PART 9: EXEMPTIONS FROM PARKING REGULATIONS

9.1. Provided that the *vehicle* operator has due regard for any applicable regulations under the *Motor Vehicle Act*, the provisions of this bylaw relating to the stopping or parking of *vehicles* do not apply to the operators of:

- a) emergency *vehicles*;
- b) Provincial or Federal Government or, public utility corporation service *vehicles*, or a *vehicle* owned or leased by the *Village*;
- c) towing service *vehicles*; or
- d) school buses;

while the operators of such *vehicles* are lawfully engaged in carrying out their work or business.

This exemption does not relieve the drivers of said *vehicles* from taking due precautions to indicate their presence on a street parked or stopped, while engaged in work.

9.2. Any *vehicle* parked under the authority of section 9.1(b) within six (6) metres of a fire hydrant or in an area designated as a *fire lane*, shall be attended at all times and shall be moved immediately at the request of a *bylaw enforcement officer*, the *fire chief* or the Fire Department Officer in charge at an emergency response incident.

PART 10: COMMERCIAL VEHICLE PARKING

- 10.1 No person shall park any *commercial vehicle* on any *highway* in the *Village*, except:
- (a) in a *loading zone*, except in accordance with section 11 of this bylaw;
 - (b) when the *commercial vehicle* is standing temporarily while the operator is actually engaged in loading or unloading goods or passengers; or
 - (c) while the operator of the *commercial vehicle* is actually engaged in providing a tradesman's service, moving service or other commercial service to another person, on land adjacent to the *highway* where the *vehicle* is parked.
 - (d) in an area specifically designated to include parking of *commercial vehicles*.
- 10.2 The exception in paragraph 10.1 (c) does not apply if section 4.1(g) or 4.2 of this bylaw prohibits parking at the applicable time or location.
- 10.3 No *vehicle* parked under the authority of paragraph section 10.1 (c) may be parked in a *no stopping zone*, a *no parking zone*, a *fire lane*, *crosswalk* or within six (6) metres of a fire hydrant.

PART 11: LOADING ZONES

- 11.1 *Commercial vehicles* may be parked for a maximum of thirty (30) minutes in an area designated as a *loading zone*, while the operator of the *vehicle* is engaged in loading or unloading materials, provided that the *vehicle* is moved immediately at the request of a *Bylaw Enforcement Officer*, *Police Officer* or *Fire Chief*.

PART 12: REMOVAL, IMPOUNDMENT AND COST RECOVERY

- 12.1 Where a *vehicle*, cycle, *trailer*, container or other chattel, fixture or thing is unlawfully occupying any part of a *highway*, parking lot, *parking space* or other property owned or controlled by the *Village*, the *Manager*, a *Police Officer*, the *Fire Chief*, or a *Bylaw Enforcement Officer* acting under the direction of the *Manager* may cause it to be removed and, if unattended by its *owner* or operator, taken to a suitable place and detained or stored until all expenses, costs and charges of removal and impoundment together with all other applicable fees and charges have been paid in full.
- 12.2 Without limiting Section 12.1, the *Manager*, *Police Officer*, *Fire Chief* or *Bylaw*

Enforcement Officer may order any parked *vehicle* or other thing removed and if unattended by its *owner* or operator, impounded if it obstructs or interferes with:

- a) firefighting or emergency response operations;
 - b) snow removal or street sweeping operations;
 - c) emergency access to any building or property; or
 - d) the construction, reconstruction, maintenance or repair of any *highway* or public utility.
 - e) is standing or parked in contravention of a traffic control signal; direction of the RCMP Member, *Fire Chief*, or *Manager*, or a permit or order issued under this bylaw;
 - f) is standing or parked in a position that causes it to interfere with or impede the use of a cycle lane by cyclists, a *sidewalk* by pedestrians, a trail, or another part of the *highway* by *vehicles*;
 - g) is presenting a hazard to public safety or preventing the normal flow of traffic;
 - h) appears to be abandoned; or
 - i) is without proper or valid number plates or current insurance decal.
- 12.3 If a *vehicle* or other thing described in section 12.1 or 12.2 is attended by its *owner* or operator, or another person who appears to be responsible for it, a *Police Officer*, a firefighter responding to an incident, a *Bylaw Enforcement Officer* or the *Manager* may order the *owner* or operator to remove the *vehicle* or other thing to a suitable location, and every person so ordered must immediately comply.
- 12.4 If a person fails to comply immediately with an order delivered under this section, the *Police Officer*, firefighter, *Bylaw Enforcement Officer* or *Manager* may cause the *vehicle* or another thing to be removed and stored in a suitable place.
- 12.5 The owner of the *vehicle*, *trailer*, container or other chattel, fixture or thing that is removed or impounded under this section is responsible to pay all expenses, costs and charges for its removal, care or storage.

PART 13: AUTHORITY OF THE MANAGER

- 13.1 For the safety, protection and convenience of the public in relation to traffic and use of the *highways*, boulevards, *sidewalks*, parking lots, parks and other public spaces, and taking into account normal use by *vehicles*, cyclists and pedestrians, real property circumstances and road and weather conditions, and acting consistently with this bylaw, the *Manager* is authorized to direct and issue orders for any of the following purposes:
- a) placing or erection of *traffic control devices* upon any *highway* or part of a *highway*, or on land owned or held by the *Village*;
 - b) to temporarily restrict or prohibit all or some types of traffic on a *highway*, *sidewalk*, boulevard, *parking lot* or park;
 - c) establishing locations for *parking spaces* and for *Disabled Parking Zones* for persons with disabilities;
 - d) designating *parking spaces* adjacent to any federal, provincial or Municipal public building that are reserved for officials and officers engaged therein;
 - e) establishing locations for automatic or other mechanical parking meters;
 - f) establishing locations for loading and unloading *commercial vehicles* and the picking up and dropping off of passengers;
 - g) removal of unauthorized signs, advertisements or guide posts on or over any *highway*, or the repair, replacement, repositioning, alteration or removal of signs, advertisements or guide posts that interfere with traffic sight lines or that are unstable or unsafe;
 - h) establishing the locations of:
 - i. school crossings;
 - ii. taxi stands; and
 - iii. traffic calming works or other design features on a roadway.
 - i) establishing *winter parking restrictions* which may be a time period between November 15th and March 31st;
 - j) to facilitate a procession, parade, special event or similar activity in the *Village*;
 - k) to allow for parking in locations that are normally restricted, including for commercial and overweight *vehicles* and for permits of up to one year for

residents and local business;

- l) construction, maintenance, repair, widening or upgrading of any *highway*, access, adjacent right of way, crossing or ancillary thing;
- m) installation, maintenance, repair, upgrading, removal or relocation of a ditch, drain, culvert, sewer or other utility on, under or adjacent to the *highway*, *sidewalk*, boulevard or park;
- n) to facilitate construction of buildings or other structures, or their demolition, on properties adjacent to the *highway*, *sidewalk*, boulevard or park;
- o) to allow for the temporary deposit of rocks, earth, gravel or other materials on the *highway*, *sidewalk* or boulevard;
- p) to allow for extraordinary traffic to use the *highway*; and
- q) the *Manager* may issue time-limited permits for the occupation and use of a *highway*, boulevard, *sidewalk* or other property owned or controlled by the *Village* for any of the following purposes:
 - i. Special Event;
 - ii. Filming; and
 - iii. Construction

13.2 Regulation and control of persons using skateboards, scooters, roller skates or roller blades, sleighs, skates, skis, snowboards or other similar means of conveyance on highways in the Village and the closing of a highway or highways or part of them to permit the use of skateboards, scooters, roller skates or roller blades, sleighs, skates, skis, snowboards or other similar means of conveyance.

13.3 The *Manager* may impose, as a condition of a permit, terms, restrictions and requirements for safety and security of persons and property, indemnity and insurance, and to ensure compliance with this and other applicable bylaws; and may rescind, revoke, amend or vary orders made under this bylaw if the *Manager* determines that the permit holder has contravened the permit or a provision of this or another bylaw or a provincial or federal enactment.

13.4 A person holding a permit issued under this bylaw must:

- a) ensure that all conditions, terms, restrictions and requirements are met;
- b) promptly notify the *Manager* of any accident, emergency incident, and of any injury to persons or loss or damage to property related to and occurring during the use and occupation of the *highway*, boulevard or

sidewalk, as applicable; and

- c) be solely responsible for any costs and expenses resulting to the *Village* in repairing or replacing property lost, injured or damaged by the use or occupation for which the permit was issued.

PART 14: ENFORCEMENT

14.1. This Bylaw may be enforced by the *Manager*, a *Police officer* or a *Bylaw Enforcement Officer*, and where members of the Fire Department are responding to an incident, by the *Fire Chief* or Deputy Fire Chief in relation to that incident.

14.2. A *Police Officer*, *Bylaw Enforcement Officer*, the *Manager* or a person acting in the place of the *Manager*, may enter on or into property for the purpose of inspecting to determine whether the regulations, restrictions and requirements of this Bylaw are being met.

PART 15: CONTRAVENTION AND PENALTIES

15.1. Any person who:

- a) contravenes any provision of this bylaw;
- b) causes or allows any act or thing to be done in contravention of any provision of this bylaw; or
- c) fails or neglects to do anything required to be done by any provision of this bylaw,

commits an offence under this bylaw and for each day the offence continues constitutes a separate offense.

15.2. A person convicted an offence under this bylaw is liable:

- a) if proceedings are brought under the *Offence Act*, to pay a fine to a maximum of \$10,000 and such other amounts as the court may impose in relation to the offence;
- b) if a ticket is issued under the *Municipal Ticket Information Utilization Bylaw No. 800, 2016*, to pay a fine to a maximum of \$1,000;
- c) if a bylaw notice is issued under a bylaw made under the *Local Government Bylaw Notice Enforcement Act*, to pay a penalty to a maximum authorized under that *Act*.

PART 16: SCHEDULES

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

Schedule “A” - Fines

PART 17: SEVERABILITY

17.1 If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion is severed and remainder continues to be valid.

PART 18: REPEAL AND SCHEDULE

18.1 The following bylaws are hereby repealed:

Parking and Street Traffic Control Bylaw No. 586, 2006;
Parking and Traffic Control Amendment (Idling) Bylaw No. 726, 2013; and
Parking and Traffic (Fine Adjustment) Amendment Bylaw No. 777, 2014.

18.2 Despite subsection 18.1 every order made under “*Street Traffic and Parking Control Bylaw No. 541, 2004*” and its amendments continue in effect.

18.3 Schedule “A” is attached to and forms part of this bylaw.

READ A FIRST TIME THIS 4th day of September, 2018

READ A SECOND TIME THIS 4th day of September, 2018

READ A THIRD TIME THIS 4th day of September, 2018

ADOPTED THIS _____ day of _____, 2018

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

SCHEDULE "A"
PENALTIES AND FEES

OFFENCE	BYLAW SECTION	FINE
<u>Part 3: GENERAL REGULATIONS</u>		
Non-compliance with an officer	3.1(a)	\$100
Remove notice from vehicle, unless Owner or operator of that vehicle	3.1(b)	\$100
Deface, paint, mark or damage a highway	3.1(c)	\$1,000
Obstruct or damage traffic control device	3.1(d)	\$100
Camping on a highway	3.1(e)	\$ 50
Park overnight to sleep in vehicle	3.1(f)	\$ 50
Abandoned a vehicle	3.1(g)	\$100
<u>Part 4: General Parking and Stopping Prohibitions</u>		
Section 4.1 - Stop, Stand or Park Vehicle or Trailer		
Within 6 m of any fire hydrant	4.1(a)	\$30
In an area designated as a:		
fire lane	4.1(b)(i)	\$30
no parking zone	4.1(b)(ii)	\$30
no stopping zone	4.1(b)(iii)	\$30
loading zone	4.1(b)(iv)	\$30
In a disabled parking zone	4.1(c)	\$50
Adjacent to a curb that is painted yellow	4.1(d)	\$30
On a crosswalk	4.1(e)	\$30
Within 6 m of a crosswalk	4.1(f)	\$30
So as to interfere with the normal flow of traffic	4.1(g)	\$30
On a sidewalk, boulevard, shoulder or trail	4.1(h)	\$30

Parking and Traffic Control Bylaw No. 840, 2018

Obstruct a driveway, lane, or right of way	4.1(i)	\$30
Within 6 metres of any traffic control device	4.1(j)	\$30
On a highway/shoulder for the purpose of		
Displaying a vehicle for sale	4.1(k)(i)	\$30
Displaying signs	4.1(k)(ii)	\$30
Advertising, washing, greasing, repairing, wrecking or storing a vehicle or trailer except where necessitated by an emergency	4.1(k)iii	\$50
Selling any goods or services	4.1(k)iv	\$30
On a highway except on the right-hand side; no further than thirty (30) centimeters from the <i>curb</i> or if there is no <i>curb</i> , from the edge of the roadway	4.1(l)	\$30
In the opposite direction of on-coming traffic	4.1(m)	\$30
In contravention of any sign or other traffic control device	4.1(n)	\$30
For a period longer than seventy-two (72) hours	4.1(o)	\$30
In front of a barricade used to block off a roadway or access to a roadway	4.1(p)	\$30
In a public park, except in designated areas	4.1(q)	\$30
On highway - no licence plate	4.1(r)i	\$30
On highway – no valid insurance decal	4.1(r)ii	\$30
On the roadway side of another vehicle (double parked)	4.1(s)	\$30
Area reserved for bus, taxi or loading	4.1(t)	\$30
Within a cycle lane	4.1(u)	\$30
Over time limit parking	4.1(v)	\$30
Vehicle weight exceeds 5,500 kilograms	4.1(w)	\$30
Contravention of winter parking restrictions	4.2	\$30

Part 5: Motor Vehicle Idling

Idling motor over 3 minutes 5.1 \$30

Part 6: Time-Limit Parking

Time limit parking 6.1 \$30

Part 7: Parking Lots

Parking in Village lot contrary to restrictions 7.1(a) \$30

During time period posted regulations designate the parking lot as no parking zone 7.1(b) \$30

Extends into the roadway beyond markings delineating the parking space 7.1(c) (i) \$30

Occupies more than one parking space 7.1(c)(ii) \$30

For a period longer than 72 hours 7.1(c)(iii) \$30

For camping 7.1(c)(iv) \$50

During winter parking restrictions 7.1(c)(v) \$30

Part 8: Nuisance and Obstruction

Cause nuisance, foul or damage 8.1 (a) (i-iv) \$30

Cause accumulation of litter or discarded materials 8.1 (b) \$30

Cause discharge or escape of fuel or noxious substance 8.1 (c) \$500

Interference with the passage due to placement of garbage or recycling container 8.1 (d) \$30

FEES and CHARGES

Towing and Impoundment: actual cost of service + \$25 Administration Fee

VILLAGE OF PEMBERTON

BYLAW No. 847, 2018

Being a bylaw to amend the Village of Pemberton Zoning Bylaw No. 832, 2018

WHEREAS pursuant to Section 137 of the *Community Charter* a Council may amend its Zoning Bylaw from time to time;

AND WHEREAS the Council of the Village of Pemberton deems it desirable to permit Recreational Cannabis Retail Sales in its Town Centre Commercial (C-1) Zone;

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

1. **CITATION**

This Bylaw may be cited as “Village of Pemberton Zoning Bylaw No. 832, 2018 Zoning Amendment (Recreational Cannabis Retail Sales) Amendment Bylaw No. 847, 2018”

2. **Village Zoning Bylaw No. 832, 2018 be amended as follows:**

a) Part 3: Definitions:

i. by adding the following in correct alphabetical order:

“**Cannabis, Dispensary** means a use of buildings or structures, in which the use of cannabis for medicinal purposes is advocated, sold or consumed, and includes a Compassion Club.”

“**Cannabis, Retail:** means a use of buildings or structures licensed under provincial authority for the retail sale of non-medical (recreational) cannabis and/or non-medical (recreational) cannabis containing products for consumption off-premises.”

b) Section 15.1. Commercial, Town Centre (C-1)

i. By adding ‘**Cannabis, Retail**’ to the list of Permitted Principal Uses in 15.1.1., as (c) and re-lettering all subsequent uses.

ii. By adding the following Conditions of Use relevant to **Cannabis, Retail:**

- **Retail Cannabis** is not permitted:

(a) within one hundred (100) metres of the nearest property line of a site containing a School, Community Centre, Library, Daycare, Skate Park, BMX Track or other youth-oriented facility.

READ A FIRST TIME this day of , 2018.

READ A SECOND TIME this day of , 2018.

NOTICE OF PUBLIC HEARING for Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment Bylaw (Recreational Cannabis Retail Sales) Amendment Bylaw No. 847, 2018 PUBLISHED IN THE Pique Newsmagazine on this day of , 2018 and on this day of , 2018.

PUBLIC HEARING HELD this day of , 2018.

READ A THIRD TIME this day of , 2018.

ADOPTED this day of , 2018.

Mayor
Mike Richman

Corporate Officer
Sheena Fraser

Date: Tuesday, October 2, 2018

To: Nikki Gilmore, Chief Administrative Officer

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

Subject: Business Licence Bylaw No. 842, 2018

PURPOSE

The purpose of this report is to introduce for First, Second and Third Reading Business Licence Bylaw No. 842, 2018 (**Appendix A**). This new Bylaw updates the existing business licence regulations and adds provision for the licencing of short-term vacation rentals.

BACKGROUND

As per the direction of Council given at the Regular Council Meeting No. 1456, held September 12, 2017, Staff was asked to include in the new Village of Pemberton Zoning Bylaw provisions respecting short term vacation rental use. In this regard, Zoning Bylaw No. 832, 2018 was brought forward for initial readings in June, a Public Hearing held on June 26th, Third Reading given on July 10th and the Bylaw adopted on July 24, 2018.

At that same meeting held on September 12, 2017, Council also directed Staff to prepare an update to the Business Licence Bylaw as may be required:

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

As a result of the inclusion of provisions under section 7.23 (Short Term Vacation Rental) of Zoning Bylaw No. 832, 2018, a draft Business Licence Bylaw was presented to the Committee of the Whole on September 4, 2018 for review. The draft bylaw not only set out the requirements to obtain a business licence for a short-term vacation rental business but also included general updates to the Bylaw which will be outlined below.

The Committee of the Whole supported the draft bylaw as presented at the meeting with the removal of the requirement under the short-term vacation rental business licence to provide a security deposit. The recommendation of the Committee was brought forward to the Regular Council Meeting No. 1476 held later that day and the following resolution was passed:

Moved/Seconded

THAT the draft Business Licence Bylaw be brought forward to Council for consideration of readings with the following amendment:

- removal of Section 21.4, Deposit Requirement for Short-Term Vacation Rental Business Licence

CARRIED

As such, the Village of Pemberton Business Licence Bylaw No. 842, 2018 is being presented for consideration of First, Second and Third Reading.

DISCUSSION & COMMENTS

As a result of the review of the current Business Licence Bylaw No. 751, 2014 and its subsequent amendments changes to the Business Licence Bylaw were incorporated. These changes included updates to wording and definitions to align with current legislation and with Village of Pemberton Zoning Bylaw No. 832, 2018, formatting revisions, 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 the business is conducted in a manner that minimizes 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 Zoning Bylaw 832, 2018 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 there was a need 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

This section is new based on direction given by Council and the key features are as follows:

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) Good Neighbour Agreement (21.5)

A Good Neighbour Agreement (**Appendix B**) 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.

5) Neighbourhood Allocation Cap (21.6)

The neighborhood allocation cap (21.6) was included as per Council direction and this will be further clarified in an upcoming Zoning Amendment to establish a condition of use related to the cap.

6) Penalties (22)

The penalty has been set at double the cost of the short-term vacation rental business licence fee, or \$600 (see Schedule “B” of the Bylaw).

COMMUNICATIONS

Upon adoption of the Business Licence Bylaw No. 842, 2018, 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 send correspondence to current bed and breakfast business licence holders that provide short term nightly accommodation rentals individually advising of the new regulations and how to seek compliance in a timely manner.

LEGAL CONSIDERATIONS

The Business Licence Bylaw as presented has received legal review and meets with the legislated authority provided to the Village through the *Community Charter* and *Local Government Act*.

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 meets with:

Strategic Priority No. Two: Good Governance.

RECOMMENDATIONS

THAT Business Licence Bylaw No. 842, 2018 received First, Second and Third Readings.

ATTACHMENTS:

Appendix A: Business Licence Bylaw No. 842, 2018.

Appendix B: 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

APPENDIX A

VILLAGE OF PEMBERTON BYLAW No. 842, 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. 842, 2018".

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. 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.

21.5. 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 2nd day of October, 2018.

READ A SECOND TIME this 2nd day of October, 2018.

READ A THIRD TIME this 2nd day of October, 2018.

ADOPTED this _____ day of _____, 2018.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

First, Second and Third Readings - October 2, 2018

SCHEDULE 'A'

Part 8: Transfer and Change Fees

Administration Fee \$ 25.00

Part 10: Business Licence Application Fees:

Community Event \$150.00
Farmers Market \$300.00
Portable Food Vendor & Temporary Commercial Vendor \$300.00
Resident & Non – Resident Fee \$150.00
Bed and Breakfast \$150.00
Short-Term Vacation Rental \$300.00
Special Event \$100.00

Business Licence Renewal Fees:

RENEWAL	Paid on or Before January 31st	Paid after January 31st
Portable Food Vendor & Temporary Commercial Vendor	\$150.00	\$300.00
Resident & Non – Resident Fee	\$150.00	\$300.00
Bed & Breakfast	\$150	\$300.00
Short-Term Vacation Rental	\$300.00	\$600.00

Business Licence Renewal Penalty

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

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



LEGEND

- Benchlands
- Town Center
- Aspen Fields
- The Glen
- Pemberton Plateau
- The Ridge
- Sunstone Ridge

No.	Date	Revision	By
	27/09/2018	NOT FOR CONSTRUCTION	

Schedule C: Short Term Vacation Rental Business Licence Location and Allocation Cap



0m 100 200 300 400

Scale: 1:10000 @ 11x17" print size
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Appendix B
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

Date: October 2, 2018

To: Nikki Gilmore, Chief Administrative Officer

From: Sheena Fraser, Manager of Corporate & Legislative Services

Subject: Smoking Regulation Bylaw No. 843, 2018

PURPOSE

The purpose of this report is to introduce Smoking Regulation Bylaw No. 843, 2018 for First, Second and Third Readings (**Appendix A**).

BACKGROUND

With the recent increase in the use of vaping products, the federal government and provincial governments have amended smoking regulations to apply to these products. The new *Tobacco and Vapour Products Control Act* and associated Regulations, released in July 2016, regulating the sale, display, promotion and use of tobacco products in British Columbia, now include vapour products. Bill S-5, the *Non-Smokers Health Act*, which applies to federal workplaces and certain modes of transportation, was amended on May 23, 2018 to broaden the definition of smoking to include the use of any vaping product.

On October 17, 2018, Bill C-45, the *Cannabis Act* will come into effect, bringing new challenges to municipal smoking regulation. Under the *Act*, adult Canadians will be able to legally grow, purchase and use a limited quantity of cannabis. Municipalities need to ensure that smoking regulations apply to all forms of smoking that will be encountered in their jurisdictions.

In response to provincial and federal changes, the Canadian Cancer Society published a report in July 2016 outlining recommendations for municipalities to limit second hand smoke damages through bylaw creation and amendments that comply with the new legislation. The recommendations are intended to prevent smoking from becoming re-normalized and undermining years of tobacco control efforts.

The purpose of this bylaw is to ensure that smoking regulations in Pemberton apply equally to vapour products, cannabis and tobacco smoking, and that these regulations reflect the Village's strategic priorities and commitment to and support for a healthy environment and positive role modelling while also addressing issues of fire safety and littering.

DISCUSSION & COMMENTS

In consultation with Vancouver Coastal Health's Regional Tobacco Reduction program, Staff have drafted the Smoking Regulation Bylaw No. 843, 2018 to reflect the changes made by the provincial government. The new Bylaw remains substantially the same as the current Village of Pemberton Smoking Regulation Bylaw No. 637, 2009, with the updates as described below.

Definitions

The definition of *Smoke* and *Smoking* has been updated to include vapourizers, electronic cigarettes, activated smoking equipment and cannabis to comply with the *Tobacco and Vapour Products Control Act*.

The term *responsible person* replaces *operator* as *responsible person* is a broader term that includes both *operators* and *owners*.

Other definitions have been updated for clarity or to align with the *Tobacco and Vapour Products Control Act*.

Areas of Smoking Prohibition

In Section 3.1. (b), the buffer zone for smoking proximity to a doorway, window or air intake of a building, structure or area remains at six (6) meters as per the *Tobacco and Vapour Products Control Regulation* subsection 2.3 (2) (**Appendix B**). However, as the Canadian Cancer Society's Smoke and Vape-Free Outdoor Public Places Proposal recommends that municipalities require a buffer zone of 7.5 to 9 metres, Council may wish to take this opportunity to increase the buffer zone to align with the Canadian Cancer Society's recommendations.

The buffer zone for outdoor venues, playgrounds, playing fields, sporting events, transit shelters and school property remains the same at twenty-five (25) metres (Section 3.2) and is also reflected with the inclusion of section 3.2 (b) which refers to the Village Zoning Bylaw 832, 2018 to provide for certainty, related to use.

Recreational Areas, Transit Shelters and School Property

Section 3.2 (a) of the Bylaw maintains the smoking prohibitions established by Smoking Regulation Bylaw No. 637, 2009, and aligns with the recommendations of the Canadian Cancer Society.

Zones

Zones for prohibition of smoking have been updated to align with Zoning Bylaw No. 832, 2018 (Section 3.2. (b)).

Sign Requirements

Section 4.1 (g) has been updated to show the new Bylaw number.

Penalties

Schedule "A", Smoking Offense Penalties, has been added and fines have been raised to align with other municipalities. An offense by an individual will result in a \$100 fine, while an offense by a responsible person will result in a \$200 fine. The intention is to seek compliance through education and to enforce by fine only in cases where education fails to achieve compliance.

Enforcement of the bylaw by fine is complicated by the difficulty of identifying violators. However, the intention of the fine schedule is to provide the Village with the necessary tools to address repeat offenders, such as an employee who habitually smokes close to a window or air intake, or a business owner who permits clients to smoke on the premises. In cases such as these, the employer or business owner, as the responsible person, would receive the ticket or bylaw notice. As noted above, the Village's first approach is to provide notification with an aim to ensure the violator is aware and understands the regulations.

It is expected that the implementation of the new bylaw will further showcase the Village of Pemberton's commitment to a smoke safe community. The Village will continue to enforce on a complaint basis and will focus on education over enforcement. This bylaw will require concurrent authority approval by the Ministry of Health before it can be adopted.

Designated Smoking Areas

There continues to be no provision in the proposed bylaw for the establishment of designated smoking areas. If Council wishes to consider this provision, Staff recommends undertaking community engagement to determine if the community is amenable to the establishment of designated smoking areas and, if so, where they could be located. If Council determines that smoking areas should be designated, a bylaw amendment would be prepared for consideration by Council.

COMMUNICATIONS

In 2009, the Village supported education regarding the implementation of the Smoking Regulation Bylaw by providing to businesses stickers and tent cards for placement at suitable locations and signage in public spaces such as parks. These signs, stickers and tent cards are outdated and should be updated and replaced with signs citing the new Smoking Regulation Bylaw No. 843, 2018.

The Village will also provide notification to the public of the new bylaw through the Village website, Facebook page and in the ENEWS as required.

LEGAL CONSIDERATIONS

There are no legal, legislative or regulatory considerations at this time.

IMPACT ON BUDGET & STAFFING

Review by Staff of regularly used bylaws is a component of the day to day operations of the Village. Preparation of this amending bylaw was done in-house.

There will be some costs associated with updating signage and this can be accommodated in the budget as may be required.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts or approvals required.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

There are no impacts on the region or neighbouring jurisdictions.

ALTERNATIVE OPTIONS

There are no alternatives for consideration at this time.

POTENTIAL GOVERNANCE CONSIDERATIONS

The amendment of the Smoking Regulation Bylaw falls within Village's Strategic Priority Four: Social Responsibility whereby the Village strives to create a strong and vibrant community recognizing the importance and benefits of both healthy and engaged citizens as well as an accessible and well managed natural environment.

RECOMMENDATIONS

THAT Smoking Regulations Amendment Bylaw No. 843, 2018 receive First, Second and Third Readings.

Attachments:

Appendix A – Smoking Regulation Bylaw No. 843, 2018

Appendix B –Tobacco and Vapour Products Control Regulation, subsection 4.22

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

APPENDIX A

VILLAGE OF PEMBERTON

BYLAW NO. 843, 2018

A BYLAW TO REGULATE SMOKING IN THE VILLAGE OF PEMBERTON

WHEREAS it has been determined that second-hand smoke is a health hazard and nuisance for many inhabitants of and visitors to the Village of Pemberton;

AND WHEREAS the Village of Pemberton has satisfied the preconditions to adopting this Bylaw set out in the *Public Health Bylaws Regulation including amendments up to B.C. Reg. 255/2016, and any amendments or replacements thereof*;

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

PART 1: CITATION

1.1. This Bylaw may be cited as “Village of Pemberton Smoking Regulation Bylaw No. 843, 2018.”

PART 2: DEFINITIONS

2.1. In this Bylaw:

Bank includes credit union, trust company, savings or loan company or other financial institution;

Building means a structure fully or substantially enclosed with walls and/or roofs, and used for the shelter or accommodation of persons, animals, chattels or things or any combination thereof;

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

Common area includes, but is not limited to, lobbies, foyers, stairwells, elevators, corridors, cloakrooms, washrooms, food fair seating areas, and other public areas of a *Building*;

Food service establishment means any place of business where food intended for public consumption is sold, offered for sale, supplied, handled, prepared, packaged, displayed, served, processed, stored,

transported or dispensed, and includes a patio used in conjunction with that place;

Fully or substantially enclosed means a *Building* or structure, vehicle or any other place having a roof or other covering where more than 50% of the wall space is enclosed by any material that does not permit air to flow easily through it.

Licensed establishment means any establishment licensed under the provisions of the *Liquor Control & Licensing Act*.

Outdoor customer service area means a part of private or public property located immediately outside of a restaurant, retail food service, neighbourhood public house or licensed lounge whether partially enclosed or unenclosed, including a balcony, patio, yard, or sidewalk that is connected to or associated with a Business or use in a *Building* or *Premises* that includes the service of food or beverages, which may include alcoholic drinks, to customers or other persons for consumption on site;

Outdoor venue means a place that is not *fully or substantially enclosed* and is used for the assembly of persons for such purposes as worship, entertainment, recreation, business or amusement;

Personal services establishment means a place of business in which a person provides a service to or on the body of another person, and includes, but is not limited to a barber shop, beauty parlour, health spa, massage parlour, tattoo shop, sauna and steam bath;

Place of public assembly means a *building* or *structure* used for the assembly of persons for such purposes as worship, entertainment, recreation, business or amusement;

Premises means a portion of a *Building* of which a person has exclusive possession;

Responsible person means a person who owns, controls, manages, supervises, operates, or holds:

- (a) A *business* or other use that occupies all or substantially all of a *building*;
- (b) A *business* or other use that occupies a *premises*;
- (c) A *business*;

- (d) An *outdoor service area*;
- (e) A *common area*;
- (f) An *outdoor venue*;
- (g) A *vehicle for hire*; or
- (h) A permit for any outdoor public event or activity that the Municipality has authorized by the issuance of a permit and to which this Bylaw applies,
- (i) And, in respect of a *common area*, includes a strata corporation or cooperative association;

Retail establishment means a *Building, Structure*, or other place where goods or services are exposed or offered for sale by retail;

School property means property that is:

- (a) owned or leased by, or operated under the authority of, a board established under the *School Act* or the *Independent School Act*, and
- (b) used for the purposes of delivering educational programs or other learning programs,

and includes real property and improvements;

Smoke or *smoking* means to inhale or exhale smoke or vapour from or burn or carry a lighted cigar, cigarette, pipe, vaporizer, electronic cigarette or other lighted or activated smoking equipment that burns or vapourizes tobacco, cannabis or other weed or substance but does not apply to the ceremonial use of tobacco in connection with a traditional aboriginal cultural activity.

Sporting event means an organized athletic competition.

Structure includes part of a structure;

Village means Village of Pemberton.

PART 3: AREAS OF SMOKING PROHIBITION

3.1. Responsible Person Obligations

- a) The *responsible person* of any of the following:

- i. a *retail establishment*;
- ii. a *personal services establishment*;
- iii. a *bank*;
- iv. a hospital or health clinic;
- v. a *food service establishment*;
- vi. a taxicab or a public bus;
- vii. a *place of public assembly*;
- viii. a billiard or pool hall;
- ix. a *licensed establishment*;
- x. any other *building, structure*, vehicle, place or area that is *fully or substantially enclosed* and:
 - (a) is a place to which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry, or
 - (b) is a prescribed place under the *Tobacco and Vapour Products Control Act (B.C.)*

must not cause, permit or allow a person to *smoke* while within any such *building, structure*, vehicle, place, or area.

- b) The *responsible person* of any of the following:
 - i. a *retail establishment*;
 - ii. a *personal services establishment*;
 - iii. a *bank*;
 - iv. a hospital or health clinic;
 - v. a *food service establishment*;
 - vi. a *place of public assembly*;

- vii. a billiard or pool hall;
- viii. a *licenced establishment*;
- ix. any other *building, structure*, vehicle, place or area that is *fully or substantially enclosed* and:
 - (a) is a place to which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry, or
 - (b) is a prescribed place under the *Tobacco and Vapour Products Control Act (B.C.)*,

must not cause, permit or allow a person to *smoke* within six (6) metres from a doorway, window or air intake of the *building, structure*, place, or area.

3.2. Recreational Areas, Transit Shelters and School Property

- a) No person shall light a cigarette, cigar, pipe or other smoking equipment, *smoke*, or use tobacco or cannabis in any other manner in, at, on or within 25 metres of any of the following:
 - i. an *outdoor venue*;
 - ii. a playground;
 - iii. a playing field;
 - iv. a place at which a *sporting event* is occurring;
 - v. a transit shelter;
 - vi. *school property*
- b) *Smoking* is prohibited in all locations in the Village of Pemberton Zoned P-1 (Public), PR-1 (Parks and Recreation), OR-1 (Outdoor Recreation) and E-1 (Education) as per Zoning Bylaw No. 832, 2018 and any amendments and replacements thereof.

PART 4: SIGN REQUIREMENTS

- 4.1. A *responsible person* shall, in respect of the *building, premises, outdoor customer service area, common area, vehicle for hire* or outdoor public event which he or she owns, controls, manages or supervises, post a sign that:
- b) is prominently displayed and maintained at the applicable location;
 - c) if the sign is posted by a door, window or air intake of a building, structure, place or area that is fully or substantially enclosed, contains the text “No Smoking within 6 Metres” in capital or lower case letters or a combination of both;
 - d) In respect of a place that is not fully or substantially enclosed, or in respect of a vehicle, contains the text “No Smoking” in capital or lower case letters or a combination of both.
 - e) Consists consist of two contrasting colours, except that if the lettering is on a clear panel, the lettering must contrast to the background colour;
 - f) includes the text “Village of Pemberton Smoking Regulation Bylaw No. 843, 2018” and “Maximum Penalty \$10,000” in letters of not less than one (1) centimetre in height.
- 4.2. A person must not remove, alter, conceal, deface or destroy any sign required under this Bylaw.

PART 5: POWER TO INSPECT

- 5.1. A *bylaw enforcement officer* has the right of entry and may enter at all reasonable hours onto any land or into any *building* to which this Bylaw applies in order to ascertain whether the provisions of this Bylaw are being complied with.

PART 6: OBSTRUCTION

- 6.1. A person must not interfere with, delay, obstruct or impede a *bylaw enforcement officer* or designate or other person lawfully authorized to enforce this Bylaw in the performance of duties under this Bylaw.

PART 7: OFFENSE, PENALTIES AND ENFORCEMENT

7.1. In respect of this Bylaw:

- a) Every person who violates a provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this Bylaw, is guilty of an offence and is liable to the penalties imposed under this Bylaw or any other applicable bylaw of the municipality, and is guilty of a separate offence each day that a violation continues to exist.
- b) Any person who contravenes any of the provisions of this Bylaw commits an offence punishable upon summary conviction and is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than six months or to both. Each day that an offence continues shall constitute a separate offence.
- c) Pursuant to Section 264 of the *Community Charter*, S.B.C. Chapter 26, this Bylaw may be enforced by means of a ticket issued pursuant to the Village of Pemberton Municipal Ticket Information Utilization Bylaw as replaced or amended from time to time.

PART 8: SCHEDULES

8.1. The following schedules are attached to and form part of this Bylaw and are enforceable in the same manner as this Bylaw:

Schedule "A" - Fines

PART 9: SEVERABILITY

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

PART 10: REPEAL

10.1. Village of Pemberton "Smoking Regulation Bylaw No. 637, 2009" is hereby repealed.

PART 11: EFFECTIVE DATE

11.1. This Bylaw comes into force the day it is adopted.

READ A FIRST TIME this 2nd day of October, 2018.

READ A SECOND TIME this 2nd day of October, 2018.

READ A THIRD TIME this 2nd day of October, 2018.

DEPOSITED with the Minister of Health this ____ day of _____, 2018.

ADOPTED this ____ day of _____, 2018.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

SCHEDULE "A"

FINES

Bylaw Section	Description	Penalty	
3.1 & 3.2	Areas of Smoking Prohibition (Personal)	\$100.00	
3.1 & 3.2	Areas of Smoking Prohibition (Responsible Person)	\$200.00	
4.1	Sign Requirements	\$100.00	
4.2	Remove or deface Sign	\$100.00	
6.1	Interfere with or Obstruct Enforcement Officer	\$300.00	

Appendix B

Tobacco and Vapour Products Control Regulation, subsection 4.22 (1)

No smoking or vapour product use near doorways, windows or air intakes

- 4.22 (1)** For the purposes of section 2.3 (1) (b) of the Act, the prescribed distance from a doorway, window or air intake in which a person must not smoke tobacco, hold lighted tobacco, use an e-cigarette or hold an activated e-cigarette, is 6 metres.

Village of Pemberton

BYLAW No. 844, 2018

A bylaw to establish a cross connection control program and process
for the Village of Pemberton.

WHEREAS, provincial legislation requires water suppliers to ensure that provisions are in place for the elimination and prevention of contamination between their potable water and any non-potable sources.

AND WHEREAS, the Council has established a bylaw to regulate the Village of Pemberton Waterworks System.

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

1. CITATION

1.1. This Bylaw may be cited for all purposes as Cross Connection Control Bylaw No. 844, 2018.

2. DEFINITIONS

In this Bylaw:

Approved Backflow Prevention Assembly means a backflow preventer that is designed to be tested and repaired in-line and to meet the design and testing criteria requirements of the CSA standards B64.10.01 most current edition;

Auxiliary Water Supply means any water available on or to a premise originating from a source or system, other than that from the Village of Pemberton Waterworks System;

Backflow means the flow of water or other liquids, gases or solids from any source, in the reverse direction from normal, as a result of back-siphonage or backpressure, back into the potable private water system or the Village of Pemberton *waterworks system*;

Backflow Assembly Test Report means a form provided by or approved for use by the Village to be used when testing backflow assemblies to record all pertinent information and test data;

Backflow Assembly Tester means a person holding a valid certificate from a recognized British Columbia approval agency for testing backflow prevention assemblies as approved by the Village of Pemberton;

Backflow Preventer means a mechanical apparatus installed in a water system that prevents backflow of contaminants into the potable *waterworks system* and to meet the design and installation criteria requirements of the CAN/CSA standards B64 Series most current editions;

Building Official means an individual appointed by Council under the *Building Act*;

Cross Connection means any actual or potential physical connection whereby the Village *waterworks system* is connected, directly or indirectly, with any non-potable or unapproved private water supply system, sewer, drain, conduit, well, pool, storage reservoir, plumbing fixture, or any other device which contains, or may contain, non-potable or contaminated water, liquid, gases, sewage, or other waste, of unknown or unsafe quality which may be capable of imparting a pollutant or contaminant into the public water supply as a result of backflow;

Cross Connection Control Program Guide means the Village *Cross Connection Control Program Guide*, Policies, Procedures and Specifications which provide references, guidelines, bulletins and amendments relevant to this bylaw;

CSA is the abbreviation for the Canadian Standards Association;

Consumer means a person to whom water is supplied by the Village of Pemberton;

Disconnect/Disconnection means the turning off, or a physical separation of the *Consumer Supply Line* from the Village waterworks system;

Hydrant or Temporary Use Permit means a permit issued by the Village for any Person requesting water from a fire hydrant, stand pipe, or temporary water connection for purposes other than emergency fire protection;

Inspect means an on-site review of the water use, facilities, meters, piping, equipment, operating conditions and maintenance records for the purpose of evaluating for conformity with the terms and conditions of this bylaw;

Manager means the Manager of Operations and Development Services or their designate.

Non-potable Water means water that does not meet Health Canada's Guidelines for Canadian Drinking Water Quality and is not destined for human consumption;

Non-potable Water Systems means an assembly of pipes, fittings, valves, and appurtenance that collects and is not destined for human consumption;

Owner has the same meaning as in the *Community Charter* and in respect of a Strata common property, the Strata Corporation;

Person shall, in addition to its ordinary meaning, include a firm or partnership, company or corporation. In addition, throughout this bylaw where the context requires, the singular shall be held to mean and to include the plural and the masculine, the feminine or body corporate;

Potable Water means water that meets Health Canada's Guidelines for Canadian Drinking Water Quality and is fit for human consumption;

Premise/Premises includes land, buildings and structures;

Private Water System means any privately owned pipe and fittings intended for the delivery or distribution of water within a premise or to a property and includes any domestic use,

irrigation system, greenhouse and hydroponics system, and any other use of water supplied by the Village's *waterworks system*;

Reconnect/Reconnection means to turn on, or physically connect the *Consumer Supply Line* to the Village's *waterworks system*;

Service means the supply of water from the *waterworks system* to any person, firm or corporation and includes all pipes, taps, valves, connections and other things necessary to or used for the purpose of the supply of water;

Service Connection Point means the point of physical connection between the *waterworks system* and the *private water system*. Typically the Service Connection Point is at the downstream side of the water meter and/or is located at or near the Owners property line.

Survey means a complete formal review of the potable water system(s) located within a building or property to determine the presence of any existing backflow preventers, there installation & condition and/or the existence of cross connections that could pose a health risk to occupants or the Village's *Waterworks system*;

Used Water means any potable water which is no longer in the *waterworks system* including potable water that has moved downstream or past the Water Service Connection (water meter) and/or the property line to the private water system;

Village means the Village of Pemberton

Village Official means the Chief Administrative Officer or their designate.

Water Operator means the person appointed by the Chief Administrative Officer to act on behalf of the Village for the purposes of operating the waterworks system.

Water Service Connection means a water supply pipe connected to the *waterworks system* and extending to the property line of the *Consumer* for the purpose of conveying water to the *Consumer*. A water service connection shall include a water meter and a shut-off valve and shall be the property of the Village.

Waterworks system means the water distribution system owned and operated by the Village.

3. WATER SUPPLY AND PRESSURE

3.1. The Village does not guarantee pressure or continuous supply of water, or accept responsibility at any time for the maintenance of pressure in its water mains or for increases or decreases in pressure. The Village reserves the right at any and all times, without notice, to change operating water pressure and to *shut off* the water supply for the purposes of making repairs, extensions, alterations or improvements, or for any other reason.

3.2. The Village, its officers, employees or agents shall not incur any liability of any kind what so ever by reason of the cessation in whole or in part of water pressure or water supply, or changes in operating pressures, or by reason of the water containing sediments, deposits, or other foreign matter.

- 3.3. Where steam or hot water boilers or other equipment is fed with water by pressure directly from the *waterworks system*, the Village shall not be liable for any injury or damage which may result from such pressure or from lack of such pressure or any injury or damage resulting from the improper installation of a backflow preventer.

4. INSPECTION

- 4.1. The Village Official shall be entitled, at its determination to:

- 4.1.1. Access the *private water system* located on private property at all reasonable hours in order to carry out *surveys* of the *premises* to determine the existence of connections or *cross connections* prohibited by this bylaw and as stated in the Village of Pemberton *Cross-Connection Control Program*.
- 4.1.2. Ensure standards are met and satisfied relating to the type of *backflow preventer* and the installation and maintenance of the same as specified by the standards and guidelines identified in the Village *Cross Connection Control Program Guide*.
- 4.1.3. Document the type of *backflow preventer*, the installation and state of maintenance and repair of the same.

5. CONDITION OF SERVICE

- 5.1. *Service* supplied by the Village to a *Consumer* shall only be provided where, in the opinion of the Village, the *waterworks system* has been effectively protected from any actual or potential *cross connections* existing at or within the *Consumer's private water system*.
- 5.2. No *Consumer* or other *person* shall *turn on* a *water valve* to provide *Service* to the occupants of any newly renovated or constructed or reconstructed *premise(s)* until the *private water system* in such *premise(s)* has been inspected for *Cross Connections and approved* by the *Water Operator* or otherwise satisfies section 5.1 of this bylaw.

6. PREVENTION OF CONTAMINATION

- 6.1. No *person* shall create a *Cross Connection* by connecting, causing to be connected, or allowing to remain connected to the Village *waterworks system*, any device, piping, fixture, fitting, container, appliance or any other chattel or thing which may under any circumstances allow non-potable water, used water, wastewater or any chemical, liquid, gas or other substance to enter the *waterworks system*.

7. CROSS CONNECTIONS PROHIBITED

- 7.1. Where any cross connection(s) or condition is found to exist which, in the opinion of the *Water Operator*, may otherwise expose the *waterworks system* to risk of contamination, the *Water Operator* may, at their discretion, take one or more of the following actions:
- 7.1.1. Give notice to the *Consumer* to correct the condition or Cross Connection(s) at the sole expense of the *Consumer* within a specified time period; or

- 7.1.2. *Disconnect / Disconnection of Service* until the condition is corrected.
- 7.2. A Person to whom a notice under section 7.1.1 applies must eliminate or control the condition or *Cross Connection* giving rise to the notice by selecting and installing a *Backflow Preventer*, conforming to the CAN/CSA B64.10 (most current) standards.
- 7.3. Neither the failure to send or deliver a notice, nor the failure to receive a notice, relieves a *Consumer* from the regulations or requirements of this bylaw.
- 7.4. Subject to reconsideration by Council, any *Consumer* to whom *Service* has been *disconnected* pursuant to this bylaw shall not have the *Service reconnected* until all requirements have been met to the satisfaction of the *Water Operator* and the *Consumer* has paid to the Village all costs associated with the *disconnection or reconnection of Service*, and the *Consumer's* default under this section has been remedied.

8. TESTING AND MAINTENANCE OF BACKFLOW PREVENTION ASSEMBLIES

- 8.1. Every *Consumer* shall provide to the Village within thirty (30) days of initial installation, repair or relocation of an approved *backflow prevention assembly* a Village *backflow assembly test report* from a certified *Backflow Assembly Tester* confirming the following:
- 8.1.1. The installation date of the *Approved Backflow Prevention Assembly*;
- 8.1.2. The specific location of the assembly and what *Cross Connection* or hazard it is intended to isolate;
- 8.1.3. The manufacturer, model, size and serial number of the *backflow preventer* installed; and
- 8.1.4. That it is an *approved backflow prevention assembly*, installed correctly and in proper operating condition.
- 8.2. Every *Consumer* must cause to be carried out a test and inspection of all *approved backflow prevention assemblies* located on his or her property, at the sole expense of the *Consumer*, by a person certified as a *Backflow Assembly Tester*, upon installation, after repair and at least once in every consecutive twelve (12) month period thereafter.
- 8.3. Where a *Consumer* fails to have an *approved backflow preventer* tested, the Village may notify the *Consumer* that the *Backflow Preventer* must be tested within a specified time period, in which case the *Consumer* must comply within that time period.
- 8.4. Any *Person* that removes a *Backflow Preventer* from a plumbing system must obtain prior written consent of the *Water Operator*. Prior written consent is not required when a *Backflow Preventer* is removed and immediately replaced with an appropriate *Backflow Preventer* and a *Backflow Assembly Test Report* is provided to the Village.
- 8.5. Where an *Approved Backflow Prevention Assembly* fails to function as designed or does not meet the test criteria set forth by the CAN/CSA B64.10.1 Manual for Maintenance and Field Testing of Backflow Preventers a *Consumer* must repair or

replace the *Backflow Preventer*, retest it and promptly provide the Village with a *Backflow Assemble Test Report*.

9. TEMPORARY WATER USE CONNECTION

- 9.1. Except for emergency fire use, no *Person* shall connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or appliance to a fire hydrant, stand pipe or any other temporary water connection:
 - 9.1.1. In a manner which, under any circumstances, may allow *used water*, wastewater or any liquid or substance of any kind to enter the Village *waterworks system*;
 - 9.1.2. Without using an *Approved Backflow Prevention Assembly* which has been approved and installed in accordance standards established by Canadian Standard Association.
 - 9.1.3. Without first obtaining a *Hydrant or Temporary Water Use Permit*.
- 9.2. In addition to any other penalties that may be applicable under this bylaw, any *Person* who contravenes this section may be refused access to *Service* through the use of a fire hydrant or temporary water connection.

10. AUXILIARY AND NON-POTABLE WATER SUPPLIES

- 10.1. An *Owner* or *Occupant* of a premise that contains or has access to an *Auxiliary Water Supply* or *system* must ensure:
 - 10.1.1. Premises isolation of such facility with a *Backflow Preventer* corresponding to the degree of hazard as stipulated in the CSA B64.10.
 - 10.1.2. There shall be no direct connection between a *non-potable water system* and any other *potable water system*.
 - 10.1.3. All piping, exposed standpipes, fittings, valves and outlets for non-potable water systems must be permanently identified by a color or label and in conformance with CSA B128.1/B128.2 Design and installation of non-potable water systems/Maintenance and field testing of non-potable water systems (most current edition).

11. COMMERCIAL AND AGRICULTURAL IRRIGATION USE

- 11.1. Where a *Cross Connection* exists between the Village *waterworks system* and a private water system, in addition to other requirements of this bylaw the *Consumer* must, at the *Consumers* expense:
 - 11.1.1. Before operation of the commercial or agriculture irrigation system, cause the *Approved Backflow Prevention Assembly* to be inspected and tested by a *Backflow Assembly Tester*, in accordance with section 8;

- 11.1.2. Before introducing any fertilizers, chemicals or any other substance detrimental to health into an irrigation piping system, install and use an approved reduced pressure principal backflow assembly.

12. GENERAL PROVISIONS

- 12.1. In addition to the any other provisions of this bylaw, the *Water Operator* or *Building Official* may at any time order a *Consumer*, at the *Consumers* expense, to conduct a *backflow assembly test*, provide reports and undertake whatever other measures required to prevent the contamination of the potable water system.
- 12.2. Where a time frame is set out in Schedule B of this bylaw for carrying out any action, the Village may extend the time frame for compliance beyond the established time frame on approval by the *Manager*.

13. OFFENCE AND PENALTY

- 13.1. This Bylaw may be enforced by the Village Official, a bylaw enforcement officer, or another person designated by the Chief Administrative Officer.
- 13.2. Every person who contravenes any provision of this bylaw, or who causes, permits, suffers or allows any act or thing to be done in contravention of this bylaw, or who fails to do any act or thing required by this Bylaw, commits an offence against this bylaw and upon conviction of an offence, shall be liable to:
 - (a) pay a fine established in the Village of Pemberton Municipal Ticket Utilization Bylaw, as amended from time to time; or
 - (b) if proceedings are brought under the Offence Act, pay a fine and/or penalty of not less than One Hundred Dollars (\$100) and not more than Ten Thousand Dollars (\$10,000), plus the costs of prosecution, and any other order imposed.
- 13.3. Each day that a violation exists or is permitted to exist constitutes a separate offence.
- 13.4. Pursuant to section 264(1)(b) of the *Community Charter*, Bylaw Enforcement Officers are designated to enforce this Bylaw.
- 13.5. Pursuant to section 264(1)(c) of the *Community Charter*, the words or expression in Column 2 of Schedule A to this Bylaw designate the offence committed under the Bylaw section numbering appearing in Column 1 opposite the respective words or expression.
- 13.6. Pursuant to section 265(1)(a) of the *Community Charter*, the fine amount in Column 3 of Schedule A to this bylaw is the fine amount that corresponds to the section number and words or expression set out in Columns 1 and 2 opposite the fine amount.

13.7. Any disputed tickets may be dealt with by the Chief Administrative Officer, the Corporate Officer or any Bylaw Enforcement Officers.

14. FEES AND COST RECOVERY

14.1 Where a *person* fails to pay the Village's costs as required by this bylaw or where a *person* subject to an order under this bylaw fails to take action required by the order and the Village carries out the work or otherwise fulfills the requirement, the Village may recover its costs from the owner, occupier or person responsible for the work or for payment of the costs, as a debt to the Village. Money owed to the Village under this bylaw is payable upon receipt of an invoice from the Village.

14.2 If an amount owing under this bylaw for work done or services provided to land or improvements remains unpaid on December 31st of the year in which the debt was incurred, the amount is deemed to be taxes in arrear and may be collected from the owner of the land or improvements in the same manner and with the same remedies as for property taxes.

15. SCHEDULES

The following schedules are attached to and form part of this bylaw and are enforceable in the same manner as this bylaw:

15.1 Schedule A attached to this Bylaw form a part of this Bylaw.

15.2 Schedule B attached to this Bylaw form a part of this Bylaw.

READ A FIRST TIME this **2nd** day of **October, 2018.**

READ A SECOND TIME this **2nd** day of **October, 2018.**

READ A THIRD TIME this **2nd** day of **October, 2018.**

ADOPTED this **day of** , **2018.**

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Schedule A
Fine Schedule

Description of Offence	Section	Daily Fine
a. Fails to eliminate a <i>Cross Connection</i> or control a <i>Cross Connection</i> by the Installation of a Backflow Preventer upon given notice.	7.2	\$ 500.00
b. Fails to inspect and test an Approved Backflow Prevention Assembly, using a backflow assembly tester, upon installation, after repair and then every consecutive twelve (12) month period thereafter.	8.2	\$ 200.00
c. Where a Person removes a Backflow Preventer from a plumbing system without prior written consent of the Water Operator or Building Official	8.4	\$ 200.00
d. Where an Owner or Occupant Fails to repair and retest an Approved Backflow Preventer in the time period specified in a notice issued by the Village. .	8.5	\$ 200.00
e. Where a Person connects to a fire hydrant, stand pipe or other temporary water connection without using an Approved Backflow Prevention Assembly and without obtaining a hydrant or temporary water use permit.	9.1.2 & 9.1.3	\$ 200.00
f. Where an Owner or Occupant creates a direct connection with a non-potable auxiliary water system without the approval by the Water Operator.	10	\$ 500.00

Schedule B

Time Period Schedule

Description	Section	Time Period
1. Installation of a Backflow Preventers		
a. 2 inch and smaller devices		90 days from a notification issued by the Village of Pemberton.
b. 2 inch and larger devices		90 days from a notification issued by the Village of Pemberton
c. Fire Sprinkler System Backflow Preventer		During the next system upgrade or significant piping changes as necessary to the fire sprinkler system
2. Test required of an Approved Backflow Prevention Assembly	8.3	30 days
3. Repair of an Approved Backflow Prevention Assembly	8.5	30 days

Date: October 2, 2018
To: Nikki Gilmore, Chief Administrative Officer
From: Sheena Fraser, Manager of Corporate & Legislative Services
Subject: Municipal Ticket Information Utilization Bylaw No. 845. 2018

PURPOSE

To introduce the Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, 2018 and request consideration of First, Second and Third Readings (**Appendix A**)

BACKGROUND

In 2004, pursuant to Section 264 of the *Community Charter*, the Village implemented a Municipal Ticket Information Utilization Bylaw (MITU) as a means to enable the Bylaw Enforcement Officer or other members of the Village Staff, as appropriate, the ability to issue tickets for bylaw infractions or offences for certain bylaws. The MITU Bylaw also allowed the RCMP to issue tickets for infractions related to certain Village bylaws as listed in the Schedules of the Bylaw.

In 2016, following several amendments to include new regulatory bylaws that had been established overtime or adjust the fine schedules as a result of amendments to subject bylaws already listed a new MITU bylaw was brought forward to consolidate all amendments for ease of administration.

As a result of the introduction of two new regulatory bylaws (Nuisance Abatement Regulations and Cross Connection Control) and updates being made to several other existing bylaws there is a need to update the Municipal Ticket Information Utilization Bylaw so that it includes the new bylaws brought forward and reflects changes to the fines as may be newly established.

DISCUSSION & COMMENTS

Amending or updating existing bylaws is an important housekeeping function that ensures Village Staff are utilizing the most recent information respecting enforcement and the levying of fines. In particular, evaluation of current bylaws and the development of new bylaws provides an opportunity to ensure that bylaws are current, still reflect the intent for which they were put in place or adjust to reflect new legislation, processes or procedures.

Section 2: Application

This section has been updated to include the ability for a fine to be reduced if paid within thirty (30) calendar days from the date the ticket has been issued. This has been done to encourage payment of fines.

It should be noted that not all fines levied under the MTIU Bylaw schedules provide for a reduction to be applied. When reviewing whether or not a reduction should or could be applied to an infraction Staff considered several things such as:

- The seriousness of the offence;
- Impacts on safety of residents/wildlife;
- Damage as a result of the infraction or violation;
- Whether this was a first or second offence;
- Impacts to Village operations (infractions that cause the Village to have to repair or replace); and
- The amount of the initial fine itself (generally the fines the Village has established are lower than other municipalities).

As a result of the above, it was determined that it would be appropriate not to apply a reduction in all cases which is reflected in the Schedules as Not Applicable. The fine reductions that have been applied are set between 25% - 50% and this application of reductions is in alignment with other municipalities.

Section 3: Severance

This section has been added as it was not referenced in the former bylaw.

Schedule 1: Designated Bylaw Enforcement Officer

This schedule has been updated to include bylaws for which the Village may enforce through ticketing. It also establishes the definition of Bylaw Enforcement Officer for the purposes of this bylaw and lists out the other positions that have the ability to issue a ticket for an infraction against certain bylaws.

It should be noted that the following bylaws have been removed from the MTIU:

False Alarm Bylaw No. 556, 2005: This bylaw has been removed as the bylaw is structured in such a way that fines are not levied rather a fee is charged for specific numbers of false alarms occurring at the same property. This approach alleviates the need to establish fines for false alarms and therefore it has been removed from the MTIU bylaw.

Firearms Regulation Bylaw No. 697, 2012: This bylaw has been removed as the Village does not have the ability under the *Community Charter* or the *Local Government Act* to deal with contraventions or fines related to firearms; rather this would rest with the RCMP. That said, it is appropriate for the Village to have in place a bylaw that addresses regulations related to firearms in the event that there is a need to enforce. This bylaw also establishes areas where firearms may be discharged and identifies traditional hunting areas that are within the Village boundaries including the Gun Range.

Schedules 2 – 14: Bylaw Fine Schedules

These schedules set out the fine structure already established in the subject bylaw and introduces a reduction for payment as may be appropriate or applied. An overview of the listing is provided below:

Schedule 2: Unsightly Premises Bylaw No. 476, 2002: This bylaw was not previously included under the MTIU and as a result the Village was unable to levy fines for infractions related to unsightliness. The addition of this bylaw and establishment of a fine structure, which is in alignment with other municipalities and designed to gain compliance to the MTIU will allow the Village to ticket as may be necessary on matters related to unsightliness. This avoids the necessity to seek compliance through the Courts and will save the Village both time and money. A reduction of 50% has been applied to fines paid within 30 days.

Schedule 3: Wildlife Attractants Bylaw No. 684, 2011: This bylaw was referenced in the previous MTIU and the fine structure remains unchanged. Given the importance of protecting wildlife from becoming habituated and the safety of residents if wildlife does become habituated because of the actions of a property owner no reductions to fines have been applied in this instance.

Schedule 4: Noise Regulation Bylaw No. 699, 2012: Although this bylaw includes a fine structure, the Village was not able to issue tickets related to infractions because it was not included as part of the MTIU. As a result, this bylaw has been incorporated into the MTIU to facilitate enforcement as may be required. A fine reduction of 50% has been applied to the first offence only.

Schedule 5: Boulevard Maintenance Bylaw No. 713, 2012: This bylaw did not include a fine structure rather in the event of an infraction the Village would be required to seek compliance through the Courts. In the interest of keeping the costs of enforcement low, this bylaw has been incorporated and a fine structure set so that tickets may be issued in the event of non-compliance. A fine reduction has not been applied to infractions under this bylaw that impact safety, damage/repair to Village infrastructure or doing work without a permit.

Schedule 6: Blasting Bylaw No.714, 2012: This bylaw was established to ensure that the Village had in place the requirement for property owners to hold a permit to blast. However, a fine structure was not established in the event of non-compliance. In this regard, a fine structure has been established to assist with compliance as may be required which is in alignment with other municipalities. A reduction to the fine is only applied in two circumstances because the infraction is more administrative in nature (ie: failure to provide a report/provide notification).

Schedule 7: Fire Prevention Bylaw No. 744, 2013: This bylaw was referenced in the previous MTIU and the fine structure set by the subject bylaw remains the same. Due to the life safety implications no reductions have been applied in this bylaw.

Schedule 8: Outdoor Water Use Regulations Bylaw No. 792, 2015: This bylaw was referenced in the previous MTIU and the fine structure set by the subject bylaw

remains the same. Similar to the Noise Regulations Bylaw a fine reduction of 50% has been applied to the first offence only.

Schedule 9: Public Nuisance Abatement Bylaw No. 838, 2018: This is a new bylaw that will be adopted at the October 2nd meeting and has been incorporated into the MTIU to provide for the ability to ticket if the need arises. A fine reduction of between \$25 and \$50 has been applied.

Schedule 10: Animal Control Bylaw No. 839, 2018: This bylaw has been updated to incorporate the provision of backyard hen keeping along with some other minor updates to ensure it is current. A fine reduction of \$25 has been applied to the first offence only.

Schedule 11: Parking and Traffic Control Bylaw No. 840, 2018: This bylaw has also been updated from the previous 2006 version and as such the new and extended fine structure must be incorporated into the MTIU. A fine reduction has not been applied to this bylaw, as the fines levied for traffic offences are only established at \$30 which is significantly lower than other municipalities in the corridor. The exception being in the case of camping or sleeping in a vehicle overnight where the reduction is established at 50% (or \$25).

Schedule 12: Business Licence Bylaw No. 842, 2018: This bylaw has been updated to incorporate regulations respecting short term vacation rentals and a fine structure implemented in the event of non-compliance. As such, the MTIU bylaw schedule must be updated. There are no reductions applied except where a business has failed to display a valid business licence or allowed access in which case the reduction if paid within 30 days is \$25.

Schedule 13: Smoking Regulations Bylaw No. 843, 2018: This bylaw has been updated to incorporate uses such as vaping, e-cigarettes and cannabis. As such, the MTIU bylaw schedule must be updated to reflect new fines as proposed in the bylaw. A reduction of 50% has been applied if the fine is paid within 30 days.

Schedule 14: Cross Connection Control Bylaw No. 844, 2018: This is a new bylaw to address the provision of cross connection control regulations. As infractions against this bylaw may result in impacts on the health and safety of Village resident's, reductions to the fine have not been applied.

The new Municipal Ticket Information Utilization Bylaw will provide Staff and the RCMP the ability to enforce the bylaws noted above without the added cost of laying charges through the court system. The implementation of a reduction in the fine if paid within thirty (30) days provides an opportunity for Bylaw Enforcement to work with violators to come into compliance and address the matter in a timely manner. To reconfirm the Village's first approach in addressing issues of non-compliance is to seek compliance through education; however, in circumstances where this approach is unsuccessful or non-compliance continues to be a problem then fines will be levied.

COMMUNICATIONS

There is no communication element required as the consideration of this bylaw is complimentary to the subject bylaws already in place and which are available on the Village website.

LEGAL CONSIDERATIONS

The establishment of a Municipal Tickets Information Utilization Bylaw meets with Section 264 of the *Community Charter* and has received legal review to ensure compliance.

IMPACT ON BUDGET & STAFFING

While the goal of bylaw enforcement is to gain compliance, this bylaw allows fines to be levied on infractions. The funds collected help to cover the costs associated with bylaw enforcement including public education and awareness activities and signage.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts or approvals required.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

The consideration of this bylaw has no impact on neighbouring jurisdictions as the bylaws may only be enforced within the Village boundaries.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

POTENTIAL GOVERNANCE CONSIDERATIONS

Updating the Municipal Ticketing Information Utilization Bylaw meets with Strategic Theme Two: Good Governance by providing a fiscally responsible way to handle bylaw infractions without having to go through the court process and with Strategic Theme Three: Excellence in Service by listing which bylaws tickets can be issued.

RECOMMENDATIONS

THAT Municipal Ticket Information Bylaw No. 845, 2018 be given First, Second and Third Readings.

Attachments:

Appendix A: Municipal Ticket Information Amendment Bylaw No. 845, 2018

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

VILLAGE OF PEMBERTON

Municipal Ticket Information Utilization Bylaw

BYLAW No. 845, 2018

WHEREAS Section 264 of the *Community Charter* authorizes the Council to, by Bylaw:

1. designate those bylaws which may be enforced by means of a form of ticket prescribed by regulation under Section 273;
2. designate bylaw enforcement officers for the purpose of enforcing bylaws by means of a prescribed form of ticket;
3. designate an offence against a bylaw by means of a word or expression on a ticket.
4. set certain fine amounts, not exceeding \$1,000, for contravention of designated bylaws.

NOW, THEREFORE, the Council of the Village of Pemberton in open meeting assembled, enacts as follows:

1. TITLE

This Bylaw may be cited as “Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, 2018”.

2. APPLICATION

- 2.1 The bylaws listed in Column 1 of Schedule 1 to this Bylaw may be enforced by means of a ticket in the form prescribed by the municipality for the purpose of Section 264 of the *Community Charter*.
- 2.2 The persons appointed to the job positions or titles listed in Column 2 of Schedule 1 to this Bylaw are designated as bylaw enforcement officers pursuant to Section 264 of the *Community Charter* for the purpose of enforcing the bylaws listed in Column 1 of Schedule 1 opposite the respective job positions.
- 2.3 The words or expressions set forth in Column 1 of the Schedules to this Bylaw designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.

2.4 The amounts appearing in Column 3 of the Schedules to this Bylaw are fines set pursuant to Section 265(1) of the *Community Charter* for the corresponding offences designated in Column 1.

2.5 The amounts appearing in Column 4 of Schedules to this Bylaw are reduced fines established by Council pursuant Section 265 (2) of the *Community Charter* for the corresponding fines set in Column 3, provided that Municipal Ticket Information is paid on or before thirty (30) calendar days from the date on which the Municipal Ticket Information is served.

3. SEVERANCE

If any section, subsection or clause of this Bylaw is held invalid by a court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the invalid and severed section, subsection or clause.

4. REPEAL

The Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 800, 2016 is hereby repealed.

READ A FIRST TIME this 2nd day of October, 2018.

READ A SECOND TIME this 2nd day of October, 2018.

READ A THIRD TIME this 2nd day of October, 2018

RECONSIDERED AND ADOPTED this _____ day of October, 2018.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

SCHEDULE 1

In Column 2 of this Schedule, "Bylaw Enforcement Officer" means an officer appointed by the Chief Administrative Officer; other positions have the same meaning as defined in the corresponding designated bylaw identified in Column 1.

DESIGNATED BYLAW	DESIGNATED BYLAW ENFORCEMENT OFFICERS
Unsightly Premises Bylaw No. 476, 2002	Authorized Person Bylaw Enforcement Officer
Wildlife Attractant Bylaw No. 684, 2011	Bylaw Enforcement Officer RCMP Conservation Officer
Noise Regulation Bylaw No. 699, 2012	Authorized Person Bylaw Enforcement Officer RCMP
Boulevard Maintenance Bylaw No. 713, 2012	Village Official Bylaw Enforcement Officer
Blasting Bylaw No. 714, 2012	Building Official Bylaw Enforcement Officer
Fire Prevention Bylaw No. 744, 2013	Fire Chief Inspector Bylaw Enforcement Officer RCMP
Outdoor Water Use Regulation Bylaw No. 792, 2015	Village Official Bylaw Enforcement Officer
Public Nuisance Abatement Bylaw No. 838, 2018	Bylaw Enforcement Officer RCMP
Animal Control Bylaw No. 839, 2018	Bylaw Enforcement Officer RCMP Conservation Officer
Parking and Traffic Control Bylaw No. 840, 2018	Manager Bylaw Enforcement Officer Fire Chief RCMP

Business Licence Bylaw No. 842, 2018

Licence Inspector
Bylaw Enforcement Officer

Smoking Regulations Bylaw No.843, 2018

Bylaw Enforcement Officer
RCMP

Cross Connection Control
Bylaw No. 844, 2018

Bylaw Enforcement Officer
Village Official
Manager
Water Operator
Building Official

SCHEDULE 2

UNSIGHTLY PREMISES BYLAW No. 476, 2002

OFFENCE	SECTION	FINE	REDUCTION – if paid within 30 days
Allow accumulation	4.1	\$200	\$100
Permit brush, Noxious weed, insect infestation	4.2	\$200	\$100
Deposit rubbish in open space	5.1	\$200	\$100
Allow unsightly	6.2	\$200	\$100
Failure to maintain	6.3	\$100	\$50
Failure to clear up brush/grass	6.4	\$100	\$50
Allow accumulation of materials	6.5 (a) 6.5 (b) 6.5 (c) 6.5 (d) 6.5 (e) 6.5 (f) 6.5 (g) 6.5 (h)	\$200	\$100
Storage or accumulation of materials non-compliant with screening/storage requirements	6.6 (a) 6.6 (b) 6.6 (c) (I & ii) 6.6 (d)	\$200	\$100
Place Graffiti adjacent to public place	7.1	\$200	\$100
Failure to comply with an order	11	\$500	Not Applicable
Obstruction of Authorized Person	13	\$500	Not Applicable

SCHEDULE 3

WILDLIFE ATTRACTANT BYLAW No. 684, 2011

OFFENCE	SECTION	FINE	REDUCTION – if paid within 30 days
Improper Storage of Garbage			
First Offence	3.1, 4.2 4.3, 5.1	\$100	Not Applicable
Second Offence	3.1, 4.2 4.3, 5.1	\$200	Not Applicable
Third Offence	3.1, 4.2 4.3, 5.1	\$400	Not Applicable
Failure to Provide/Maintain Resistant Container			
First Offence	3.2, 4.1, 4.4	\$100	Not Applicable
Second Offence	3.2, 4.1, 4.4	\$200	Not Applicable
Third Offence	3.2, 4.1, 4.4	\$400	Not Applicable
Failure to Comply Pickup/Removal Times			
First Offence	3.3, 3.4	\$100	Not Applicable
Second Offence	3.3, 3.4	\$200	Not Applicable
Third Offence	3.3, 3.4	\$400	Not Applicable
Improper Disposal			
First Offence	3.5, 3.6, 3.7 3.8, 3.11, 4.2	\$100	Not Applicable
Second Offense	3.5, 3.6, 3.7 3.8, 3.11, 4.2	\$200	Not Applicable
Third Offense	3.5, 3.6, 3.7 3.8, 3.11, 4.2	\$400	Not Applicable
Improper Placement			
First Offence	3.9	\$100	Not Applicable
Second Offence	3.9	\$200	Not Applicable
Third Offence	3.9	\$400	Not Applicable
Placement of Explosive Device in bin	3.10	\$500	Not Applicable
Intentionally Feeding Wildlife			
First Offence	5.2	\$100	Not Applicable
Second Offence	5.2	\$200	Not Applicable
Third Offence	5.2	\$400	Not Applicable
Failure to Remove Attractants			
First Offence	5.4	\$100	Not Applicable
Second Offence	5.4	\$200	Not Applicable
Third Offence	5.4	\$400	Not Applicable

SCHEDULE 4

NOISE REGULATION BYLAW No. 699, 2012

OFFENCE	SECTION	FINE	REDUCTION– if paid within 30 days
Noise During Quite Hours			
First Offence	3.1	\$100	\$50
Second Offence	3.1	\$200	Not Applicable
Third Offence	3.1	\$400	Not Applicable
Permit Noise During Quiet Hours			
First Offence	3.2	\$100	\$50
Second Offence	3.2	\$200	Not Applicable
Third Offence	3.2	\$400	Not Applicable
Prohibited Noise			
First Offence	3.3	\$100	\$50
Second Offence	3.3	\$200	Not Applicable
Third Offence	3.3	\$400	Not Applicable
Construction Noise			
First Offence	5.1	\$250	\$125
Second Offence	5.1	\$500	Not Applicable

SCHEDULE 5

BOULEVARD MAINTENANCE BYLAW No. 713, 2012

OFFENCE	SECTION	FINE	REDUCTION – if paid within 30 days
Permit garbage, debris other materials to accumulate on boulevard or in ditches	3.1.1 (a)	\$150	\$100
Placement of rocks, fencing, landscaping and other materials on boulevard or in ditch adjacent to property	3.1.1 (b)	\$150	\$100
Placement of fill, landscaping debris and materials in drainage swales/ditches	3.1.1 (d)	\$250	Not Applicable
Installation of culvert extensions in drainage ditches without authorization	3.1.1 (e)	\$500	Not Applicable
Failure to maintain boulevard/ditch in clean and safe condition	3.2.1	\$150	\$100
Failure to maintain boulevard abutting property	3.2.2 (a), (b), (c), (d), (e), (f)	\$150	\$100
Undertaking improvements without permit	3.3.1	\$250	Not Applicable
Failure to comply with permit conditions	3.3.5	\$150	Not Applicable
Failure to maintain boulevard improvements	3.3.7	\$150	\$100
Failure to clear snow/ice abutting property	3.4.1	\$150	Not Applicable
Failure to address hazards conditions (snow/ice)	3.4.2	\$150	Not Applicable
Deposit of snow on Village highways, roadway, sidewalks, lanes or parking areas	3.1.1 (c) and 3.4.3	\$150	\$100
Failure to comply	4.1	\$150	Not Applicable

SCHEDULE 6

BLASTING BYLAW No. 714, 2012

OFFENCE	SECTION	FINE	REDUCTION - if paid within 30 days
Blasting without permit	3 (1)	\$500	Not Applicable
Failure to follow duties of Permit Holder	5	\$500	Not Applicable
Blasting contrary to permitted times/atmospheric conditions	5 (a)	\$500	Not Applicable
Failure to provide records when requested	5 (b)	\$200	\$100
Failure to follow safety precautions	5 (c) and (d)	\$200	Not Applicable
Failure to provide Notification	5 (e)	\$200	\$100
Failure to report incident	6	\$500	Not Applicable
Blasting after permit cancelled or suspended	7 (4)	\$1,000	Not Applicable

SCHEDULE 7

FIRE PREVENTION BYLAW No. 744, 2013

OFFENCE	SECTION	FINE	REDUCTION – if paid within 30 days
Failure to provide private hydrant flow test results	6.8(a)(ii)	\$150	Not Applicable
Failure to maintain, repair, or replace private fire hydrant	6.8(b)		Not Applicable
Failure to keep private hydrant free of snow, ice, or other materials or free from mechanical damage	6.8(c)	\$150	Not Applicable
Failure to ensure access to private fire hydrant	6.8(d)	\$150	Not Applicable
Failure to report deficiencies that affect private hydrant	6.8(e)(i)	\$150	Not Applicable
Failure to bag or cover out of service private hydrant	6.8(f)	\$150	Not Applicable
Unauthorized use of fire hydrant	6.10	\$1,000	Not Applicable
Failure to paint private hydrant to City's specifications	6.11	\$150	Not Applicable
Failure to maintain minimum clearance around private hydrant	6.13	\$150	Not Applicable
Failure to maintain ground cover around private hydrant	6.15	\$150	Not Applicable
Failure to maintain clear path in front of private hydrant	6.16	\$150	Not Applicable
Failure to maintain clear view of private hydrant	6.17	\$150	Not Applicable
Removing a fire hydrant without permission	6.18	\$1,000	Not Applicable
Failure to provide, install and maintain Smoke Alarm	6.19	\$200	Not Applicable
Failure to maintain emergency/exit lighting and exit signs	6.21(a)	\$200	Not Applicable
Failure to test or maintain portable extinguisher(s)	6.21(b)	\$200	Not Applicable
Failure to provide and maintain means of egress	6.21(c)	\$200	Not Applicable
Failure to maintain exit doors	6.21(d)	\$200	Not Applicable
Failure to maintain private roadways for Pemberton Fire Rescue access in conformance with the British Columbia Fire Code	6.21(e)	\$200	Not Applicable
Failure to provide, maintain private roadways, access roads and fire lanes in conformance with Pemberton Fire Rescue criteria	6.21(f)	\$200	Not Applicable
Design and installation of gate controlling access N/At in conformance to Pemberton Fire Rescue criteria	6.21(g)	\$200	Not Applicable
Failure to maintain standpipe, hose systems, and automatic sprinkler systems in conformance with the British Columbia Fire Code	6.21(h)	\$200	Not Applicable
Failure to install and maintain commercial cooking equipment exhausts and fire protection systems in conformance with the British Columbia Fire Code	6.21(i)	\$200	Not Applicable
Exceeding the maximum occupant load contrary to the British Columbia Fire Code	6.21(j)	\$1,000	Not Applicable

Allowing combustible material(s) to accumulate in quantities or in locations contrary to the British Columbia Fire Code	6.21(k)	\$200	Not Applicable
Failure to store, handle, use or process all flammable and combustible liquids in conformance with the British Columbia Fire Code	6.21(l)	\$200	Not Applicable
Failure to maintain fire separations in conformance with the British Columbia Fire Code	6.21(m)	\$200	Not Applicable
Failure to dispose of Combustible Material or take precautions to prevent fire	6.25	\$500	Not Applicable
Failure to submit Fire Safety Plan in an acceptable format and in conformance with British Columbia Fire Code	6.29(a)	\$150	Not Applicable
Failure to submit Fire Safety Plan within 90 days	6.29(b)	\$150	Not Applicable
Failure to provide Fire Safety Plan in a location or manner acceptable to Fire Chief	6.29(c)	\$150	Not Applicable
Failure to install and maintain approved Fire Safety Plan Lock Box	6.30	\$150	Not Applicable
Failure to install and maintain approved Lock Box	6.32	\$150	Not Applicable
Failure to correctly install Lock Box	6.33(a)	\$150	Not Applicable
Failure to provide keys or devices in Lock Box	6.33(b)	\$150	Not Applicable
Failure to provide access to Fire Safety Plan Box or Lock Box	6.34	\$150	Not Applicable
Failure to allow installation or maintenance of Fire Safety Plan Box or Lock Box	6.35	\$150	Not Applicable
Starting or allowing open air fire without a permit	7.1	\$250	Not Applicable
Failure to follow terms and conditions for burning of yard waste	7.5	\$250	Not Applicable
Failure to follow terms and conditions for burning of waste created by land clearing	7.6	\$250	Not Applicable
Failure to follow terms and conditions for a hazard abatement/fuel modification burning permit	7.7	\$250	Not Applicable
Failure to follow terms and conditions for an agricultural burning permit	7.8	\$250	Not Applicable
Failure to follow terms and conditions for a residential cooking permit	7.10	\$250	Not Applicable
Using portable incinerator or other portable device for burning garbage, rubbish or waste material	7.11	\$250	Not Applicable
Discharging fireworks without a valid Notice of discharge permit	8.1	\$250	Not Applicable
Selling or offering for sale fireworks without a valid fireworks sales permit	8.4	\$250	Not Applicable
Storing, handling or discharging fireworks in an unsafe manner or as to create a nuisance	8.12	\$250	Not Applicable
Discharging fireworks on a public roadway	8.15	\$250	Not Applicable
Failure to remove or dispose of firework debris	8.16	\$250	Not Applicable
Possessing, selling or discharging of firecrackers or Noisemakers	8.19	\$250	Not Applicable
Failure to surrender fireworks	8.22(a)	\$250	Not Applicable

SCHEDULE 8

Outdoor Water Use Regulations Bylaw No. 792, 2015

OFFENCE	SECTION	FINE	REDUCTION – if paid within 30 days
Level One			
First Offence	4.1	\$100	\$50
Second Offence	4.1	\$200	Not Applicable
Third Offence	4.1	\$300	Not Applicable
Level Two			
First Offence	4.2	\$100	\$50
Second Offence	4.2	\$200	Not Applicable
Third Offence	4.2	\$300	Not Applicable
Level Three			
First Offence	4.3	\$100	\$50
Second Offence	4.3	\$200	Not Applicable
Third Offence	4.3	\$300	Not Applicable
Level Four			
First Offence	4.4	\$250	Not Applicable
Second Offence	4.4	\$500	Not Applicable
Third Offence	4.4	\$1,000	Not Applicable

SCHEDULE 9

PUBLIC NUISANCE ABATEMENT BYLAW No. 838, 2018

OFFENCE	SECTION	FINE	REDUCTION – if paid within 30 days
Cause a nuisance, camp in unauthorized areas, or use profane, obscene, abusive or grossly insulting language, gestures or displays	3.1	\$150	\$100
Impede or obstruct a person or vehicle	3.2	\$150	\$100
Deposit or throw bottles, broken glass, litter or other rubbish	3.3	\$150	\$100
Place graffiti on walls, fences or other surfaces	3.5	\$250	\$200
Urinate or defecate on <i>highway</i> or in <i>public place</i>	3.6	\$150	\$100
Deface, damage or destroy property in <i>public place</i>	3.7	\$250	\$200
Solicitation	3.8	\$50	\$25
Use streams, lakes or rivers for personal cleansing or washing laundry or dishes	3.9	\$150	\$100

SCHEDULE 10

ANIMAL CONTROL BYLAW No. 839, 2018

CONTROL OF DOGS

OFFENCE	SECTION	FINE	REDUCTION - if paid within 30 days
Licensing of Dogs (Unlicensed Dogs)	1.1		
First Offence		\$75	\$50
Second Offence		\$100	Not Applicable
Third Offence		\$150	Not Applicable
Fourth Offence		\$300	Not Applicable
Responsibility of Owners– Dog Control	2		
First Offence		\$50	\$25
Second Offence		\$75	Not Applicable
Third Offence		\$100	Not Applicable
Fourth Offence		\$150	Not Applicable

BACKYARD HEN KEEPING

OFFENCE	SECTION	FINE	REDUCTION - if paid within 30 days
Backyard Hen Keeping without a Permit	9.2		
First Offence		\$50	\$25
Second Offence		\$75	Not Applicable
Third Offence		\$100	Not Applicable
Fourth Offence		\$150	Not Applicable
General Regulations – Backyard Hen Keeping	12		
First Offence		\$50	\$25
Second Offence		\$75	Not Applicable
Third Offence		\$100	Not Applicable
Fourth Offence		\$150	Not Applicable

SCHEDULE 11

PARKING AND TRAFFIC CONTROL BYLAW No. 840, 2018

Part 3: GENERAL REGULATIONS

OFFENCE	SECTION	FINE	REDUCTION - If paid within 30 days
Non-compliance with an officer	3.1(a)	\$100	Not Applicable
Remove Notice from vehicle, unless Owner or operator of that vehicle	3.1(b)	\$100	Not Applicable
Deface, paint, mark or damage a highway	3.1(c)	\$1,000	Not Applicable
Obstruct or damage traffic control device	3.1(d)	\$100	Not Applicable
Camping on a highway	3.1(e)	\$ 50	\$25
Park overnight to sleep in vehicle	3.1(f)	\$ 50	\$25
Abandoned a vehicle	3.1(g)	\$100	Not Applicable

Part 4: General Parking and Stopping Prohibitions

Section 4.1 - Stop, Stand or Park Vehicle or Trailer

OFFENCE	SECTION	FINE	REDUCTION – If paid within 30 days
Within 6 m of any fire hydrant	4.1(a)	\$30	Not Applicable
In an area designated as a: <ul style="list-style-type: none"> • fire lane • No parking zone • No stopping zone • loading zone 	4.1(b)(i) 4.1(b)(ii) 4.1(b)(iii) 4.1(b)(iv)	\$30 \$30 \$30 \$30	Not Applicable
In a disabled parking zone	4.1(c)	\$50	Not Applicable
Adjacent to a curb that is painted yellow	4.1(d)	\$30	Not Applicable
On a crosswalk	4.1(e)	\$30	Not Applicable
Within six (6) m of a crosswalk	4.1(f)	\$30	Not Applicable
So as to interfere with the normal flow of traffic	4.1(g)	\$30	Not Applicable
On a sidewalk, boulevard, shoulder or trail	4.1(h)	\$30	Not Applicable
Obstruct a driveway, lane, or right of way	4.1(i)	\$30	Not Applicable
Within 6 metres of any traffic control device	4.1(j)	\$30	Not Applicable
On a highway/shoulder for the purpose of: <ul style="list-style-type: none"> • Displaying a vehicle for sale • Displaying signs • Advertising, washing, greasing, repairing, wrecking or storing a vehicle or trailer except where necessitated by an emergency • Selling any goods or services 	4.1(k)(i) 4.1(k)(ii) 4.1(k)iii 4.1(k)iv	\$30 \$30 \$30 \$30	Not Applicable
On a highway except on the right-hand side; no further than thirty (30) centimeters from the <i>curb</i> or if there is no <i>curb</i> , from the edge of the roadway	4.1(l)	\$30	Not Applicable
In the opposite direction of on-coming traffic	4.1(m)	\$30	Not Applicable

In contravention of any sign or other traffic control device	4.1(n)	\$30	Not Applicable
For a period longer than seventy-two (72) hours	4.1(o)	\$30	Not Applicable
In front of a barricade used to block off a roadway or access to a roadway	4.1(p)	\$30	Not Applicable
In a public park, except in designated areas	4.1(q)	\$30	Not Applicable
On highway - no licence plate	4.1(r)i	\$30	Not Applicable
On highway – no valid insurance decal	4.1(r)ii	\$30	Not Applicable
On the roadway side of another vehicle (double parked)	4.1(s)	\$30	Not Applicable
Area reserved for bus, taxi or loading	4.1(t)	\$30	Not Applicable
Within a cycle lane	4.1(u)	\$30	Not Applicable
Over time limit parking	4.1(v)	\$30	Not Applicable
Vehicle weight exceeds 5,500 kilograms	4.1(w)	\$30	Not Applicable
Contravention of winter parking restrictions	4.2	\$30	Not Applicable

Part 5: Motor Vehicle Idling

OFFENCE	SECTION	FINE	REDUCTION – If paid within 30 days
Idling motor over 3 minutes	5.1	\$30	Not applicable

Part 6: Time-Limit Parking

OFFENCE	SECTION	FINE	REDUCTION – If paid within 30 days
Time limit Parking	6.1	\$30	Not Applicable

Part 7: Parking Lots

OFFENCE	SECTION	FINE	REDUCTION – If paid within 30 days
Parking in Village lot contrary to restrictions	7.1(a)	\$30	Not Applicable
During time period posted regulations designate the parking lot as no parking zone	7.1(b)	\$30	Not Applicable
Extends into the roadway beyond markings delineating the parking space	7.1(c) (i)	\$30	Not Applicable
Occupies more than one parking space	7.1(c)(ii)	\$30	Not Applicable
For a period longer than 72 hours	7.1(c)(iii)	\$30	Not Applicable
For camping	7.1(c)(iv)	\$50	\$25
During winter parking restrictions	7.1(c)(v)	\$30	Not Applicable

Part 8: Nuisance and Obstruction

OFFENCE	SECTION	FINE	REDUCTION – If paid within 30 days
Cause nuisance, foul or damage	8.1 (a) (i-iv)	\$30	Not Applicable
Cause accumulation of litter or discarded materials	8.1 (b)	\$30	Not Applicable
Cause discharge or escape of fuel or Noxious substance	8.1 (c)	\$500	Not Applicable
Interference with the passage due to placement of garbage or recycling container	8.1 (d)	\$30	Not Applicable

SCHEDULE 12

BUSINESS LICENCE BYLAW No. 842, 2018

OFFENCE	SECTION	FINE	REDUCTION – if paid within 30 days
Resident Business without Business Licence	6.2		
First Offence		\$ 75	Not Applicable
Second Offence (1 week after 1 st offence)		\$150	Not Applicable
3 rd Offence (1 week after 2 nd offence)		\$300	Not Applicable
Subsequent Offences		\$450	Not Applicable
Non-Resident Business without Business Licence	6.3		
First Offence		\$ 75	Not Applicable
Second Offence (1 week after 1 st offence)		\$150	Not Applicable
3 rd Offence (1 week after 2 nd offence)		\$300	Not Applicable
Subsequent Offences		\$450	Not Applicable
Failure to Provide Access	7.1	\$150	\$125
Failure to Display Valid Licence	11.2		
First Offence		\$ 75	\$50
Second Offence (1 week after 1 st offence)		\$150	Not Applicable
3 rd Offence (1 week after 2 nd offence)		\$300	Not Applicable
Subsequent Offences		\$450	Not Applicable
Carrying on Business while Suspended	13.5		
First Offence		\$150	Not Applicable
Second Offence (1 week after 1 st offence)		\$300	Not Applicable
3 rd Offence (1 week after 2 nd offence)		\$450	Not Applicable
Mobile Vendor without Business Licence	14.4 (d)		
First Offence		\$300	Not Applicable
Second and Subsequent Offences		\$450	Not Applicable
Short-Term Vacation Rental Advertising without a Business Licence	21.1(b)	\$600	Not Applicable
Short-Term Vacation Rental failure to display business licence number in advertisements	21.1(c)	\$ 75.00	Not Applicable

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SCHEDULE 13

SMOKING REGULATIONS BYLAW No. 843, 2018

OFFENCE	SECTION	FINE	REDUCTION – if paid within 30 days
Areas of Smoking Prohibition (Personal)	3.1 & 3.2	\$100	\$50
Areas of Smoking Prohibition (Responsible Person)	3.1 & 3.2	\$200	\$100
Sign Requirements	4.1	\$100	\$50
Remove or deface Sign	4.2	\$100	\$50
Interfere with or Obstruct Enforcement Officer	6.1	\$300	\$200

SCHEDULE 14

CROSS CONNECTION CONTROL BYLAW No. 844, 2018

OFFENCE	SECTION	FINE	REDUCTION – if paid within 30 days
Fails to eliminate a <i>Cross Connection</i> or control a <i>Cross Connection</i> by the Installation of a Backflow Preventer upon given notice.	7.2	\$ 500	Not Applicable
Fails to inspect and test an Approved Backflow Prevention Assembly, using a backflow assembly tester, upon installation, after repair and then every consecutive twelve (12) month period thereafter.	8.2	\$ 200	Not Applicable
Where a Person removes a Backflow Preventer from a plumbing system without prior written consent of the Water Operator or Building Official	8.4	\$ 200	Not Applicable
Where an Owner or Occupant Fails to repair and retest an Approved Backflow Preventer in the time period specified in a notice issued by the Village. .	8.5	\$ 200	Not Applicable
Where a Person connects to a fire hydrant, stand pipe or other temporary water connection without using an Approved Backflow Prevention Assembly and without obtaining a hydrant or temporary water use permit.	9.1.2 & 9.1.3	\$ 200	Not Applicable
Where an Owner or Occupant creates a direct connection with a non-potable auxiliary water system without the approval by the Water Operator.	10	\$ 500	Not Applicable

Date: October 2, 2018

To: Nikki Gilmore, Chief Administrative Officer

From: Lena Martin, Manager of Finance

Subject: Permissive Tax Exemption (Pemberton Search & Rescue) Bylaw No. 846, 2018 – First, Second and Third Reading

PURPOSE

To present to Council the Permissive Tax Exemption Bylaw for Pemberton Search and Rescue, for First, Second and Third readings.

BACKGROUND

Recognizing the significant value of organizations and groups in our community, a permissive tax exemption is a means for Council to support organizations that further Council's objective to enhance the quality of life while delivering services economically. Land and improvements noted below, which are set apart and in use for not for profit activities, request exemption from municipal taxation under Section 224 (2) (a) of the *Community Charter*. A Permissive Tax Exemption may be granted up to a maximum of ten (10) years.

In 2013, Council established the Permissive Tax Exemption Policy, the purpose of which, "*is to ensure that the organizations applying for a permissive tax exemption meet the criteria and that the application process is consistent and meets the goals, policies and general operating principles of the Village.*" A copy of the Permissive Tax Exemption Policy is attached as **Appendix A**.

The Village has established several Permissive Tax Exemptions (PTE) for non-profit organizations in the past including both Stewardship Pemberton and St. David's Church (land only). Most recently, Council granted Permissive Tax Exemptions to the Pemberton Childcare Society, Pemberton Lions Activities Society, the Pemberton Community Church (formerly St. David's Church), the Royal Canadian Legion and on Municipal Lands and Buildings pursuant to the *Community Charter*.

DISCUSSION & COMMENTS

Pemberton Search and Rescue:

At the Regular Council Meeting December 13, 2016, Council rose with report and directed Staff to enter into a lease agreement with Pemberton Search and Rescue and also directed Staff to prepare a Permissive Tax Exemption Bylaw for consideration once the lease agreement had been registered.

A lease with Pemberton Search and Rescue was recently signed but followed after the June 30th application deadline for a Permissive Tax Exemption. Staff is requesting that Council consider this late application due to these conditions.

A Permissive Tax Exemption is requested for the assessed value of the leased lot at the Airport, currently there are no assessed improvements on this parcel only assessed land. As a first time applicant Staff has recommended a ten (10) year term (2019-2028). Council may assign the term presented by Staff or one that is shorter or longer, to a maximum of ten (10) years.

The Permissive Tax Exemption Bylaw is attached as **Appendix B**.

COMMUNICATIONS

The Village provided Notice as per the requirements of Section 94 of the *Community Charter* in order to meet the legislative obligations through advertisements in the local newspaper on September 20th and September 27th, 2018

Notice was also provided through the Village ENEWS and Website.

LEGAL CONSIDERATIONS

There are no legal considerations at this time.

IMPACT ON BUDGET & STAFFING

Following is the estimated forgone revenue for the Permissive Tax Exemption Bylaw presented:

Property	(Number) Years	Municipal Revenue Forgone, Year(s) 1, 2 and 3
<i>Pemberton Search and Rescue</i>		
District Lot 4769, Land District 27, Neighborhood Code 560560	10	\$395, \$403, \$411

The review of PTE applications and preparation of the Report and Bylaws is incorporated into the regular routine of the Finance and Administrative Services Department. The cost of advertising was \$306.87 (including taxes) and can be accommodated in the advertising budget established in 2018.

INTERDEPARTMENTAL IMPACT & APPROVAL

The processing of exemptions has been facilitated through the Department of Finance and Administrative Services with the support of Corporate and Legislative Services.

ALTERNATIVE OPTIONS

There are no alternatives provided for consideration at this time.

POTENTIAL GOVERNANCE CONSIDERATIONS

Providing Permissive Tax Exemptions support Strategic Theme One: Good Governance
The Village is committed to citizen engagement, being an open, honest and accountable government.

RECOMMENDATION

THAT Village of Pemberton Permissive Tax Exemption (Pemberton Search & Rescue) Bylaw No 846, 2018 for Pemberton Search & Rescue receive First, Second and Third Readings.

Attachments:

Appendix A: Permissive Tax Exemption Policy

Appendix B: Permissive Tax Exemption (Pemberton Search & Rescue) Bylaw No. 846, 2018

Submitted by:	Lena Martin, Manager of Finance and Administrative Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

Permissive Tax Exemption Policy

Department:	<u>Finance</u>	Policy No.:	<u>FIN-002</u>
Sub-department:	<u></u>	Created By:	<u>Nikki Gilmore</u>
Approved By:	<u>Council</u>	Amended By:	<u>Council</u>
Approved Date:	<u>20 June 2006</u>	Amendment Date:	<u>4 June 2013</u>
Meeting No.:	<u>1160</u>	Meeting No.:	<u>1336</u>

POLICY

The Village of Pemberton recognizes the significant value of organizations and groups in our community who provide worthwhile programs and services to our residents. A permissive tax exemption, provided under Section 224 of the *Community Charter*, is a means for Council to support organizations within the community that further Council's objective to enhance the quality of life while delivering services economically.

POLICY PURPOSE

The purpose of this policy is to ensure that the organizations applying for a permissive tax exemption meet the criteria and that the application process is consistent and meets the goals, policies and general operating principles of the Village.. The sources of Municipal revenue are limited and a request for an exemption must be considered in concert with other needs of the Village. Council will determine the amount of revenue to be foregone by permissive tax exemptions for non-profit organizations. Council at its sole discretion may grant varying percentages of tax exemptions up to 100% of the tax exemption.

Exemptions are not given to services that are otherwise provided on a private or for profit bases. This would provide an unfair competitive advantage and is not permitted as per Section 25 of the *Community Charter*.

Requests for permissive tax exemptions for organizations whose facilities are outside the boundaries of the Village of Pemberton will not be considered.

ELIGIBILITY CRITERIA

Eligibility for exemption should be based on the principal use of the property. To be eligible for a permissive tax exemption, an organization must comply with all of the eligibility criteria outlined below. There is no obligation on the part of Council to grant permissive tax exemptions in any given year. At Council's discretion, any of the following criteria requirements, except those legislated through the *Community Charter*, may be waived.

A property may be eligible for the exemption if the applicant meets all the following criteria:

- a) Is the registered owner of the property, or a tenant under a lease requiring it to pay taxes directly to the Village.
- b) Is a British Columbia registered charity or non-profit Society.

- The Finance Department will prepare a Summary Report, the Permissive Tax Exemption bylaws and public notice by the end of August. Public Notice, in accordance with *Community Charter* section 94, must be placed in 2 successive papers prior to adoption of the bylaw. Notice will also be posted on the Village's website.
- A representative from the organization seeking a Permissive Tax Exemption must be in attendance at the Council Meeting at which the Summary Report is being presented to Council. Attendance may also be required at the Council Meeting which the Bylaw is being considered for First, Second and Third Readings.
- The Permissive Tax Exemption bylaws must be adopted and notice given to BC Assessment for those properties receiving exemption prior to October 31st.
- Letters will be mailed to recipients notifying them of their exemption status for the following year.
- Late applicants will be held until the next review cycle.

APPENDIX B

VILLAGE OF PEMBERTON

BYLAW No. 846, 2018

Permissive Tax Exemption for the Pemberton Search and Rescue

A Bylaw to Provide for a Permissive Tax Exemption for the Pemberton Search and Rescue

WHEREAS pursuant to Section 224 (2) (a) (i) and (ii) of the *Community Charter*, the Council may, by bylaw exempt certain land, improvements or both from taxation;

AND WHEREAS it is deemed advisable to enact a new bylaw granting exemption to the Pemberton Legion;

NOW THEREFORE the Council of the Village of Pemberton in open meeting assembled enacts as follows:

1. The land hereinafter described and the improvements thereon which are set apart and in use for not for profit activities, are hereby exempt from taxation under Section 224 (2) (a) (i) and (ii) of the *Community Charter* for ten (10) year period from 2019 – 2023:

(a) District Lot 4769, Lillooet District Except Plans KAP44479, KAP87467 and KAP92761

2. This Bylaw may be cited for all purposes as the “Village of Pemberton Tax Exemption (Pemberton Search and Rescue) Bylaw No. 846, 2018.”

NOTICE OF INTENTION TO PROVIDE a Permissive Tax Exemption to the Pemberton Legion was **PUBLISHED IN** the Pique Newsmagazine on September 20, 2018 and September 27, 2018.

READ A FIRST TIME this 2nd day of October, 2018.

READ A SECOND TIME this 2nd day of October, 2018.

READ A THIRD TIME this 2nd day of October, 2018.

ADOPTED this ____th day of _____, 2018.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

OPEN QUESTION PERIOD POLICY

THAT the following guidelines for the Open Question Period held at the conclusion of the Regular Council Meetings:

- 1) The Open Question Period will commence after the adjournment of the Regular Council Meeting;
- 2) A maximum of 15 minutes for the questions from the Press and Public will be permitted, subject to curtailment at the discretion of the Chair if other business necessitates;
- 3) Only questions directly related to business discussed during the Council Meeting are allowed;
- 4) Questions may be asked of any Council Member;
- 5) Questions must be truly questions and not statements of opinions or policy by the questioner;
- 6) Not more than two (2) separate subjects per questioner will be allowed;
- 7) Questions from each member of the attending Press will be allowed preference prior to proceeding to the public;
- 8) The Chair will recognize the questioner and will direct questions to the Councillor whom he/she feels is best able to reply;
- 9) More than one Councillor may reply if he/she feels there is something to contribute.

*Approved by Council at Meeting No. 920
Held November 2, 1999*

*Amended by Council at Meeting No. 1405
Held September 15, 2015*