

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

Agenda for the **Committee of the Whole** of Council of the Village of Pemberton to be held Tuesday, January 22, 2019 at 1:00 p.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 185.

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

Item of Business	Page No.
1. CALL TO ORDER	
In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.	
2. APPROVAL OF AGENDA	1
Recommendation: THAT the Agenda be approved as presented.	
3. ADOPTION OF MINUTES	
a) Committee of the Whole No. 184, Tuesday, December 10, 2018	2
Recommendation: THAT the minutes of the Committee of the Whole Meeting No. 184, held Tuesday, December 10, 2018 be adopted as circulated.	
4. CANNABIS RETAIL LICENCE APPLICATION PROCESS - DISCUSSION	6
5. DRAFT UPDATED BUSINESS LICENCE BYLAW	30
6. ADJOURNMENT	

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

Minutes for the **Committee of the Whole** of Council of the Village of Pemberton held Tuesday, December 11, 2018 at 10:00 a.m. in Council Chamber, 7400 Prospect Street. This is Meeting No. 184.

ATTENDING: Mayor Mike Richman
Councillor Ryan Zant
Councillor Amica Antonelli
Councillor Leah Noble

BY TELEPHONE: Councillor Ted Craddock

STAFF: Nikki Gilmore, Chief Administrative Officer
Sheena Fraser, Manager of Corporate & Legislative Services
Lena Martin, manager of Finance & Administration
Lisa Pedrini, Senior Planner
Jill Brooksbank, Senior Communications & Grant Coordinator
Gwendolyn Kennedy, Legislative Assistant

PUBLIC: 2

1. CALL TO ORDER

At 10:19 a.m. Mayor Richman called the December 11, 2018 Committee of Whole meeting to order.

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

2. APPROVAL OF AGENDA

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

3. ADOPTION OF MINUTES

a) Committee of the Whole Meeting No. 183, Tuesday, November 27, 2018

Moved/Seconded
THAT the minutes of Committee of the Whole Meeting No. 183, held Tuesday, November 27, 2018, be adopted as circulated.
CARRIED

4. NON-MEDICAL CANNABIS RETAIL STORE LICENCE APPLICATION

Ms. Pedrini, Senior Planner, distributed a summary of submissions received from the public since the Regular Council Meeting, held on November 27, 2018, at which the Cannabis Retail Store Licence Application Referral was considered and the opportunity for public input was closed. Ms. Pedrini noted that of the 17 submissions received, 13 were in support of the application and four were opposed.

Discussion focused on how the Village could best facilitate education regarding the effects of cannabis on youth.

Councillor Antonelli noted her opposition to the proposed location in the downtown core (C-1 Zone), commenting that since the application had been presented there has been considerable public input in opposition to the downtown location. Councillor Antonelli suggested that:

- The application be supported with the location changed from Commercial, Town Centre (C-1 Zone) to the Industrial Park (M-1 Zone);
- A three-year moratorium on reviewing referrals for cannabis retail store licences be imposed; and
- Council review the Non-Medical (Recreational) Cannabis Retail Policy.

Moved/Seconded

THAT the Committee of the Whole recommend to Council that Council recommends support for the issuance of a Non-Medical Cannabis Retail Store Licence submitted by the Bison Group (Pemberton Hotel), located at 7423 Prospect Street, Pemberton B.C., for the following reasons:

- The subject property is compliant with the current Village Zoning Bylaw and *Non-Medical (Recreational) Cannabis Retail Policy*;
- The views of nearby residents were sought by advertising the change in the Pique Newsmagazine and notification sent and that no views/objections were presented;
- The Pemberton Hotel is an established local business with experience in the secure sale of controlled substances; and
- The proposed cannabis retail licence will provide customers with a convenient, licenced and store-front location in the Village's Town Centre.

CARRIED

OPPOSED: Councillor Antonelli

Moved/Seconded

THAT the Committee of the Whole recommend to Council that Staff work together with community partners (RCMP, Signal Hill Elementary and Pemberton Secondary Schools, Pemberton Health Clinic, Vancouver Coastal Health and Plan Y) to facilitate through Village of Pemberton mediums education on the effects of cannabis on youth.

CARRIED

At 10:44 a.m. the Committee of the Whole meeting was recessed.

At 10:54 a.m. the Committee of the Whole meeting was reconvened.

5. DELEGATIONS

a) Lisa Trotter, Senior Manager, Government Relations, BC Transit – Update

Ms. Trotter presented an overview of how public transit functions in British Columbia, provided information on performance, and touched on plans with respect to the implementation of new technologies to facilitate information gathering, reduce costs and improve rider experience.

BC Transit's Shared Services Funding Model is unique in Canada and helps minimize operating costs. Ms. Trotter noted that BC Transit follows the provincial fiscal calendar and that three-year budgets are the focus at this time of year.

BC Transit developed a 25-year transit plan for the Sea to Sky Region in 2015 and completed the Sea to Sky Regional Corridor Study Report in October 2017. A Transit Expansion Memorandum of Understanding has been signed for an additional round trip to Pemberton for the Pemberton Commuter 99 service.

System performance measures for the Pemberton Commuter Service and the Pemberton Local Service show passenger trips have increased 9% in the past year and revenue has increased slightly.

Ms. Trotter noted that she has passed on to BC Transit staff the Village's requests to have Pemberton included in the upcoming feasibility study regarding a HandyDART service for Pemberton-Whistler.

Discussion of the need for a bus garage in Pemberton was had; however, it was suggested that shared space might be available with the school buses.

6. LOCAL GOVERNMENT FINANCE OVERVIEW

Presentation by Lena Martin, Manager of Finance & Administration

Ms. Martin introduced the Finance & Administration team to the Committee: present at the meeting were Jeanette Einarson, Senior Accountant and Arlene Mendoza, Accounting Clerk II. Other department members are Missy McGee in Reception, responsible for cash transactions, and Barb Ruzicka, who will be leaving the Village in December. A new Finance Clerk will start work in January.

Ms. Martin presented an overview of local government finance beginning with a summary of the roles and responsibilities of the department, following with highlights of the annual budget and five year financial plan process, asset management, funding options, taxation, and upcoming changes 2019 including the Employee Benefit Tax

and the loss of the federal one third income tax exemption that previously applied to Mayor and Council.

7. ADJOURNMENT

Moved/Seconded

THAT the Committee of Whole be adjourned at 12:28 p.m.

CARRIED

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

DRAFT

Date: January 22, 2019
To: Nikki Gilmore, Chief Administrative Officer
From: Sheena Fraser, Manger, Corporate & Legislative Services
Subject: Cannabis Retail Licence Application Process

PURPOSE

The purpose of this report is to present an overview of the application process for a Cannabis Retail Sales Licence as set out by the Province of BC and facilitated through the Liquor & Cannabis Regulation Branch.

BACKGROUND

In 2018 as the Village was preparing for the legislative changes being made to facilitate legalization of cannabis, Staff brought forward a report at the Committee of the Whole No. 174 held on March 20, 2018 in which a flow chart was presented that set out the steps the Village should consider related to Non-Medical Cannabis (NMC) Retail Sales. The report and attachments are included as **Appendix A**.

At that meeting the Committee passed the following resolutions:

Moved/Seconded

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

CARRIED

Moved/Seconded

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

CARRIED

OPPOSED: Councillor Ross, Councillor Helmer

The recommendations above were subsequently supported by Council at the Regular Meeting No. 1467 held on Tuesday, April 10, 2018.

Following the approved flow chart process, Staff developed the Non-Medical (Recreational) Cannabis Retail Policy, which was adopted at the Regular Council Meeting No. 1477 held on October 2, 2018 and prepared a Zoning Amendment (Cannabis, Retail) Bylaw which was adopted at the Regular Council Meeting No. 1478 held on October 16, 2018 (Bylaw No. 847, 2018).

As well, at the Committee of the Whole Meeting No. 179, held July 24, 2018, Staff presented an overview of the steps involved in making application for a retail cannabis licence as per the direction given in April. The flow chart presented is attached as **Appendix B**.

Following discussion on the information provided the Committee passed the following resolution:

Moved/Seconded

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

CARRIED

OPPOSED: Councillor Helmer, Councillor Ross

DISCUSSION & COMMENTS

With respect to whether or not other municipalities are considering making application for a cannabis retail store, Staff has reached out through legal counsel and local government forums. To date, to Staff's knowledge, there are no municipalities actively pursuing making application for a retail sales licence; however, it may be that discussions on this option are still taking place at a confidential level. In this regard, Staff is unable to confirm whether any other municipality is considering entering into the business of cannabis retail sales operations.

If the Village were to consider making application for a Cannabis Retail Sales store the following steps will need to be undertaken:

- Incorporate a business corporation (see **Appendix B** for considerations and approvals)
- Pre-screen all partners/directors (security screening check, financial integrity check and criminal and policy record screening)
- Register the business
- Secure a location in advance of making application (lease agreement in place)

Following the compilation of the application requirements as noted above, submit an application along with the following fees:

- Application fee: \$7,500
- First-year licencing fee: \$1,500

Upon submission of the application and following initial review by the Liquor & Cannabis Branch (the "Branch") the application is referred to the local government for recommendation. If approved by the local government, the application proceeds through the provincial approval process (timelines for approval are unknown). If the application receives approval the next step is to arrange for a store inspection. If the store passes inspection, the Branch confirms that all licence requirements have been met and that the licensing fees have been received, after which a licence will be issued.

As at the writing of this report there are total of 102 applications with the Branch for the Greater Vancouver/Sunshine Coast region which includes Pemberton. To date only three (3) licences have been issued with one (1) application approved with conditions. There are currently 53

applications in the local government referral process and 45 applications that have been paid but are incomplete.

In November, 2018, the Village received an application referral from the Branch and provided its support at the Regular Council Meeting No. 1483, held Tuesday, December 11, 2018. A second application referral was received by the Village on January 7, 2018 and Staff will be undertaking the referral review process throughout January/February. If the second application is supported by Council the Village will have met the quota of retail stores permitted as established in the Policy and the Zoning Bylaw.

On January 8, 2019 the Province released the "Non-Medical Cannabis Private Retail Store Licencing Update" which is attached as **Appendix C** for information. To view the document online click on the following link: https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/documents/non-medical_cannabis_private_retail_store_licensing_update.pdf

COMMUNICATIONS

There are no communications elements at this time.

LEGAL CONSIDERATIONS

There are no legal considerations at this time; however, if it is determined to pursue an application for a non-medical cannabis retail sales licence there will be legal fees associated with the development of a new business corporation.

IMPACT ON BUDGET & STAFFING

Preparation of this report was done in-house and facilitated as part of the day to day work of the Corporate and Legislative Services Department. Should there be a desire to pursue a licence application, budget will need to be set aside for the legal fees, lease fees, licence application fees, security check fees and other activities that may be related to the application process. The costs are at minimum \$15,000.

Further, budget will need to be established for startup costs such as retail store equipment, security systems, staffing, training and other activities related to starting a new business. These costs are unknown at this time.

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 alternatives for consideration.

POTENTIAL GOVERNANCE CONSIDERATIONS

There are no governance considerations for review.

RECOMMENDATIONS

THAT the report be received for information.

AND THAT the Committee of the Whole provide direction with respect to whether or not the Village of Pemberton makes application for a Cannabis Retail Sales Licence from the Province.

ATTACHMENTS:

Appendix A: Report to Committee of the Whole, dated March 20, 2018

Appendix B: Cannabis Retail Sales Licence Flow Chart, dated July 24, 2018.

Appendix C: Non-Medical Cannabis Private Retail Store Licencing Update (Province of BC)

Submitted By:	Sheena Fraser, Manager, Corporate & Legislative Services
CAO Approval By:	Nikki Gilmore, Chief Administrative Officer

Date: March 20, 2018
To: Nikki Gilmore, Chief Administrative Officer
From: Sheena Fraser, Manager of Corporate & Legislative Services
Subject: Non-Medical Cannabis Retail Sales – Flow Chart

PURPOSE

The purpose of this report is to present to the Committee of the Whole a flow chart that sets out steps the Village should be considering related to Non-Medical Cannabis (NMC) Retail Sales.

BACKGROUND

In 2016, the Village received an application to open a medical marijuana dispensary in the Village. At that time, upon the recommendation of Legal Counsel, the Village proceeded with a Zoning Amendment Bylaw to prohibit the retail sales of medical marijuana until the federal legislation changed to legalize this use. By prohibiting the retail sale of medical marijuana (now being referred to as cannabis) it provided the Village time to understand how the legislation would change, and what the role of the Province and Local Governments would be in administering the legislation. As well, with the lack of any set regulations or guidelines there were and still are many unknowns with respect to how these changes will roll out.

BILL C-45, Cannabis Act, was introduced in the House of Commons on April 13, 2017, received Third Reading on November 27, 2017 and is now being considered by the Senate. It was hoped that BILL C-45 would receive Royal Assent with the aim to have the implementation of legal cannabis in place by July 1, 2018. However, as recently as early February, it is being reported that it is unlikely the July 1st deadline will be met as there is still much work to be done. Some provincial officials and law enforcement agencies have raised concern about whether or not they will be ready for the new changes in legislation which has caused the delay.

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

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

Moved/Seconded

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

CARRIED

DISCUSSION & COMMENTS

In response to the Committee's request, Staff has developed a decision making flow chart that will need to be undertaken to be prepared for when the *Cannabis Act* is in place. (**Appendix C**) There a number of decision points that Council must consider.

Step One: Prohibit or Permit (FLOW CHART – Page 1)

The first item for the Village to consider is whether there is an interest to allow the retail sales of NMC within the Village's boundaries. If it is determined that the Village is not interested in supporting this type of retail sales, then the prohibition would remain in place and there would be no further work required. However, if it is determined that there is an interest in allowing the use then there is a number of steps that will need to be taken including the development of policy, preparation of new amendment bylaws (to the Zoning Bylaw and the Business Licence Bylaw) and procedures for the administration of this new form of use.

Step Two: Policy Development (if permitted) (FLOW CHART – Page 2)

As noted in the Lidstone memorandum, Local Governments have the ability to set some of its own rules and regulations respecting NMC retail sales. In order to be prepared, Staff are seeking direction with respect to the following as public consultation may be required in some circumstances:

- The number of retail outlets allowed within the Village Further restrictions to the Province's set Hours of Operation
- Other requirements as may be requested by Council

The development of the Policy respecting NMC will include public consultation to ensure that the Policy reflects the desires of the community.

Step Three: Preparation of a Zoning Amendment Bylaw (to permit the land use) (FLOW CHART – Page 3).

As the sale of NMC is not yet legal and there are still so many unknowns, the Village's Solicitors strongly recommended that the prohibition of retail sales continue to be in force in the new DRAFT Zoning Bylaw being prepared for presentation to the Committee and the community in early April. Once the *Cannabis Act* has been passed and the laws have changed and if the Village decides to permit the sale of NMC, then the new Village's Zoning Bylaw will need to be amended to reflect that the use is now permitted in the appropriate zones (to be determined).

In this regard, in order to be prepared Staff is seeking Council's direction with respect to the which Zones NMC would be permitted and the establishment of distancing requirements from Parks, Schools and other public places. (**Appendix D**)

Step Four: Establish Business Licencing Regulations (FLOW CHART page 4)

Once it has been determined which Zones a NMC may be located and what the distancing requirements will be, the next step will be to establish requirements and/or regulations with respect to the issuance of a Village of Pemberton Business Licence. Consideration should be given to the following:

- Proof of Provincial Licence Issuance
- Proof of completion of Employee Training Program
- Security Plan

Step Five: Business Licence Amendment Bylaw (FLOW CHART page 5)

Upon confirmation of the Business Licence requirements, the next step will be to consider whether or not the current Business Licence fee of \$150/year is suitable. If it is determined that it would be appropriate to set a different fee for NMC, then the Business Licence Bylaw will need to be amended to incorporate an additional fee.

Step Six: Bylaw Enforcement (FLOW CHART page 6)

As a result of new regulations being put in place through an amended Zoning and Business Licence Bylaw, it is anticipated that more bylaw enforcement will be required. The Village will need to establish to what extent resources will be put toward the enforcement of the new bylaws and to what level of enforcement will be taken. This additional enforcement is not able to be met with current staffing levels.

COMMUNICATIONS

As noted in the flow chart, Staff is recommending that public consultation take place as a means to help with the development of the NMC Retail Sales policy, regulations and zoning amendment. This will include a public information session and an opportunity for residents to provide input through an online survey. As well, a Public Hearing will be held after the Zoning Amendment Bylaw has received Second Reading.

Notification of a public consultation period will be through the Village's various social media platforms such as Facebook, the eNEWS and on the website. Notification of the 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 NMC is not currently legal and will not be legal until the *Cannabis Act* comes into effect. As such, the Village has prohibited retail sales in the Zoning Bylaw to align with the current Federal legislation.

It is recommended that any policies, regulations and bylaws developed related to NMC use receives legal review to ensure alignment with Federal and Provincial laws.

IMPACT ON BUDGET & STAFFING

Development of policy and procedures respecting NMC retail sales within the Village of Pemberton and the preparation of a Zoning Amendment will be facilitated in-house and included on Staff's workplans.

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

As well it is anticipated that there will be budget implications with respect to the enforcement and administration of the Bylaws; however, these costs have not been determined.

INTERDEPARTMENTAL IMPACT & APPROVAL

The development of policy, procedures and bylaws will involve the Operations & Development Services Department and Corporate and Legislative Services Department. The Office of the CAO will facilitate the communications elements of this initiative. Finally, once the procedures are in place and the Business Licence Bylaw adopted, the Finance and Administrative Services Department will also be involved with the collection of said fees.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

At this time, there is no impact on the region or neighbouring jurisdictions; however, should it be decided to move forward with permitting NMC retail stores after the laws change then it is recommended that consultation take place with the SLRD and Lil'wat Nation.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

POTENTIAL GOVERNANCE CONSIDERATIONS

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

RECOMMENDATIONS

THAT the Committee of the Whole provide direction.

Attachments:

- Appendix A: Lidstone & Company, February, 5, 2018, regarding Retail Licencing for Non-Medical Cannabis Update
- Appendix B: Lidstone & Company, February 5, 2018, regarding Local Government To Do List to Prepare for Cannabis Sales
- Appendix C: Flow Chart
- Appendix D: Distancing Map - example

Submitted by:	Sheena Fraser, Manager of Corporate and Legislative Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

LIDSTONE & COMPANY

BARRISTERS AND SOLICITORS

MEMORANDUM

TO: Clients
FROM: Ian Moore and Sara Dubinsky
DATE: February 5, 2018
RE: Retail Licencing for Non-Medical Cannabis Update

This memo summarizes the Province of British Columbia's newly-released *BC Cannabis Private Retail Licencing Guide: Applications and Operations* (the "Guide").¹ The Guide provides details regarding the Province's intentions for the licencing and operation of non-medical cannabis ("NMC") retail stores.

I. OVERVIEW

- The Government intends to establish a public/private model of NMC retail stores.
- Wholesale distribution of NMC will be managed solely through the Liquor Distribution Branch ("LDB"), which will also run public retail stores.
- The Liquor Control and Licencing Branch ("LCLB") will be responsible for licencing and enforcement.
- NMC retail stores—both public and private—will be subject to a similar set of rules as liquor stores are now.
- Local governments will have significant control over the NMC retail environment.
- The rules governing rural retail stores are still under consideration and may ultimately be different than those for urban areas.

II. LICENCING OF RETAIL STORES

A. Application Requirements

Individuals and businesses wishing to operate an NMC retail store in British Columbia will need to obtain a licence from the Province. Licence applicants will need to:

¹ See https://news.gov.bc.ca/files/Cannabis_Private_Retail_Licensing_Guide.pdf.

- provide information about the proposed location (i.e. PID, proof of ownership or a lease that does not expire for at least 12 months from the date of licence approval, floor plan);
- provide a background check of police/criminal records; and
- obtain the support of their local government.

Applicants with criminal records will not necessarily be prevented from obtaining a licence—the currency and relevance of the record will be assessed. Similarly, those currently operating illegal dispensaries will not be prohibited from receiving a licence nor will they be given preferential treatment in the application process. In short, all applicants will be subject the same requirements and evaluation criteria.

B. Local Government Influence on Licencing

Local governments will have significant control over the NMC retail environment:

- **local government support is a mandatory prerequisite to issuance of a Provincial licence** to any applicant, including for public retail stores. Local governments will indicate their support (or lack thereof) by means of council/board resolution sent to LCLB after mandatory consultation with residents in the vicinity of a proposed store about community impacts.
- **local governments will be able to regulate the location of retail stores, including their distance from schools and other stores, through zoning; and**
- **local governments will be able to regulate the number of retail stores in their boundaries, including prohibiting them altogether.**

Notably, the Province will not be implementing its own regulations regarding the location of NMC stores or the number of stores allowed in each community.

C. Application Process Timeline

While applications will be accepted when the Government launches its application portal in spring 2018, applications will only be assessed once legislation is passed.² Further information regarding how applicants can obtain local government support will be provided in the near future.

² Additional information about the application process and portal will be found here: <https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation/licensing/cannabis-regulation>.

Finally, the Province will not be considering licencing consumption lounges or any other types of licencing (such as online sales, delivery services, or offsite sales at festivals and events) at this time.

III. REGULATING OPERATIONS

A. General Operations Rules

Licensed NMC retail stores will only be able to operate as self-contained businesses and will not be able to combine with existing liquor and/or tobacco stores. Minors will not be allowed to enter NMC retail stores (rural stores may be exempt from these requirements). Unless additional regulations are implemented by a local government, stores will be allowed to be open from 9am to 11pm. Similarly, while the Province is considering security requirements for retail stores, local governments are free to implement their own additional security requirements. Consumption will not be allowed in stores.

B. What Can be Sold?

Licensed NMC stores will be able to sell federally-compliant and LDB-sourced dried cannabis, cannabis oils, and seeds. Cannabis accessories (e.g. pipes, bongs, vaporizers) will also be allowed, while edibles will not; however, the federal government has stated they will be regulating edibles within 12 months of legalization.

C. Compliance

The Province will be establishing a compliance program with education, inspection, and enforcement components. As part of this program, NMC retail employees will be required to attend a mandatory training and every store will be inspected at least once annually, in addition to inspections that occur as a result of complaints received by LCLB. Non-compliant stores will be issued Contravention Notices and non-compliance may lead to monetary penalties, licence suspension, and/or licence cancellation.

IV. RURAL AREAS

The Province is considering implementing distinct rules for NMC stores in rural areas. In particular, they are considering allowing NMC to be sold within existing businesses (e.g. as in the case of liquor) and applying many of the operational requirements of the rural agency store model to the sale of NMC. The Province may also allow accompanied minors to enter retail stores selling NMC in rural areas.

LIDSTONE & COMPANY

BARRISTERS AND SOLICITORS

MEMORANDUM

TO: Clients
FROM: Sara Dubinsky
DATE: February 6, 2018
RE: Local Government To Do List to Prepare for Cannabis Sales

The Province has just released its proposed scheme for retail cannabis sales in British Columbia. This memo sets out the most pertinent provisions and our recommendations for local governments to prepare for legalization.

1. **Local government support is a mandatory prerequisite to issuance of a Provincial retail licence**
2. **The Province will not be regulating the location of cannabis retail stores or the number of stores allowed in each community**
3. **Local governments may regulate the number of retail stores within their boundaries, and may prohibit them altogether**
4. **Local governments may regulate the location of retail stores, including their distance from schools and other stores**
5. **Local governments may impose security requirements and additional restrictions on hours of operations** - retail stores can otherwise operate between 9 am to 11 pm

The Province is providing for significant local government control over retail cannabis outlets. **Local governments should begin to consider and consult with respect to the following:**

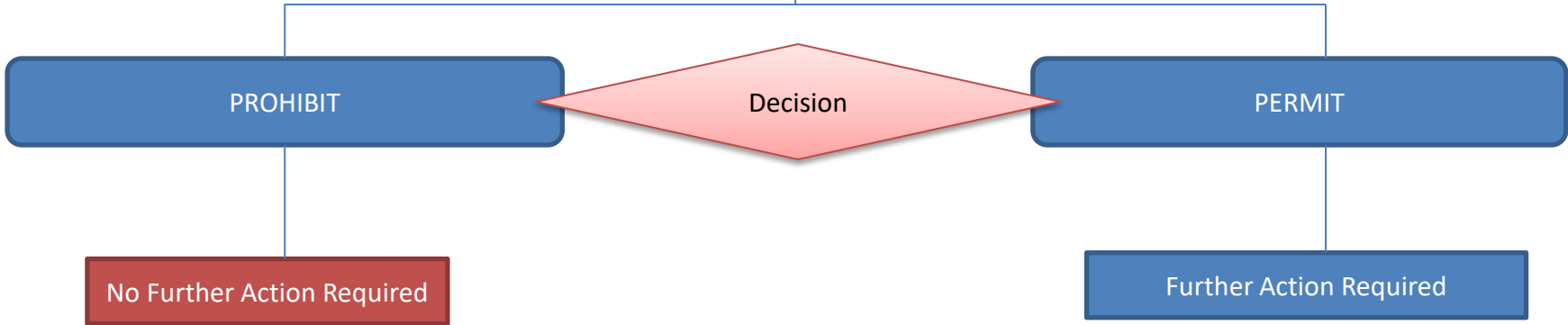
- Banning retail sales altogether
- Capping the number of retail outlets
- Regulating permissible locations (by zones and/or proximity to certain uses)
- Refusing to support licence applications submitted by existing unlawful retail stores
- Imposition of security requirements and restrictions on hours of operation
- Requiring proof of Provincial licence issuance and successful completion of the Provincial employee training program as prerequisites to business licence issuance
- Adopting procedures for public consultation on licence applications
- Creating a new category of business licence fees
- Regulating public consumption

Cannabis Act (Bill C-45) Decision Making Flow Chart

Cannabis Act Enacted
by Federal Government –
(Date still undetermined)

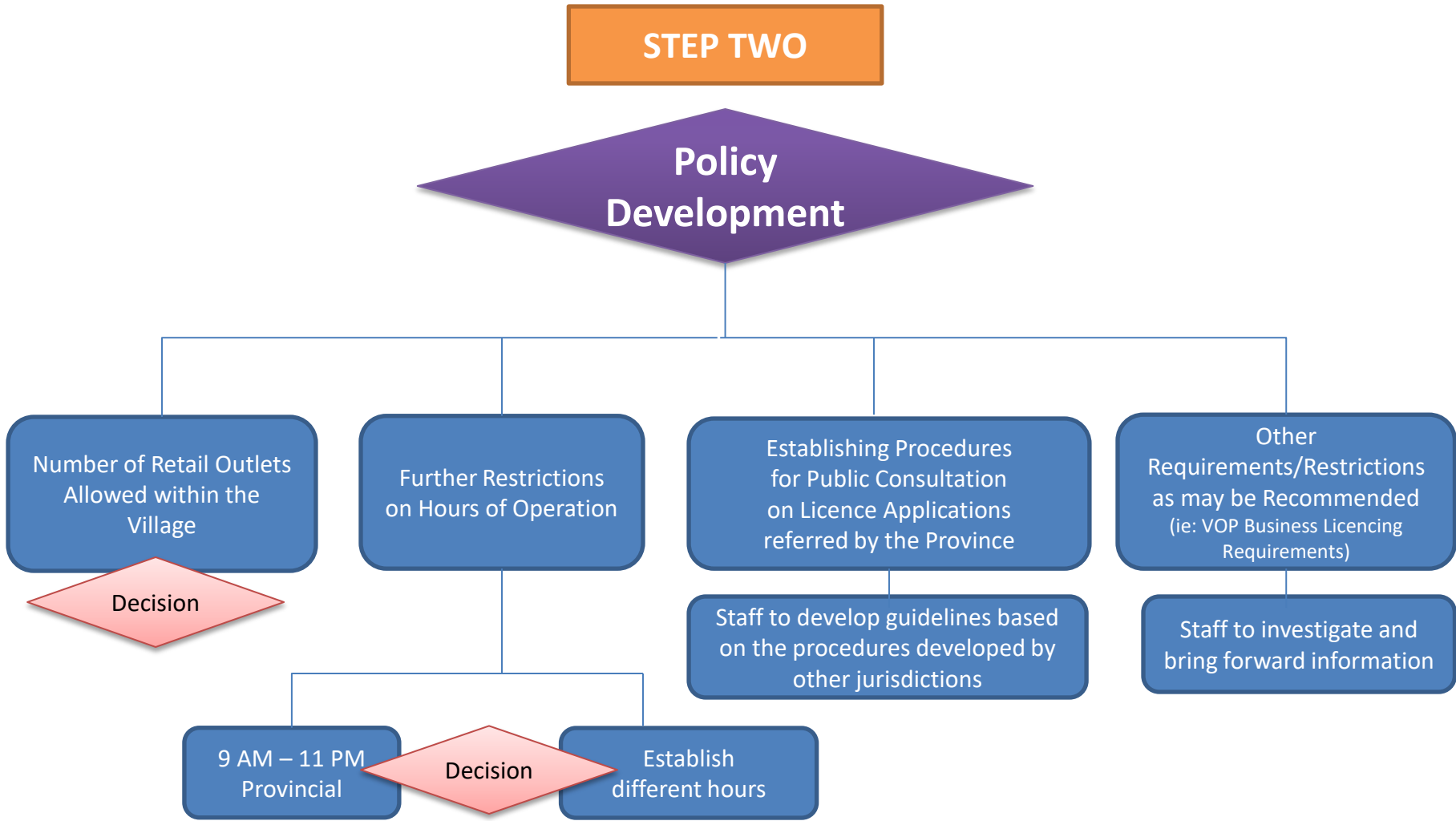
STEP ONE

Non Medical Cannabis (NMC) Retail Sales



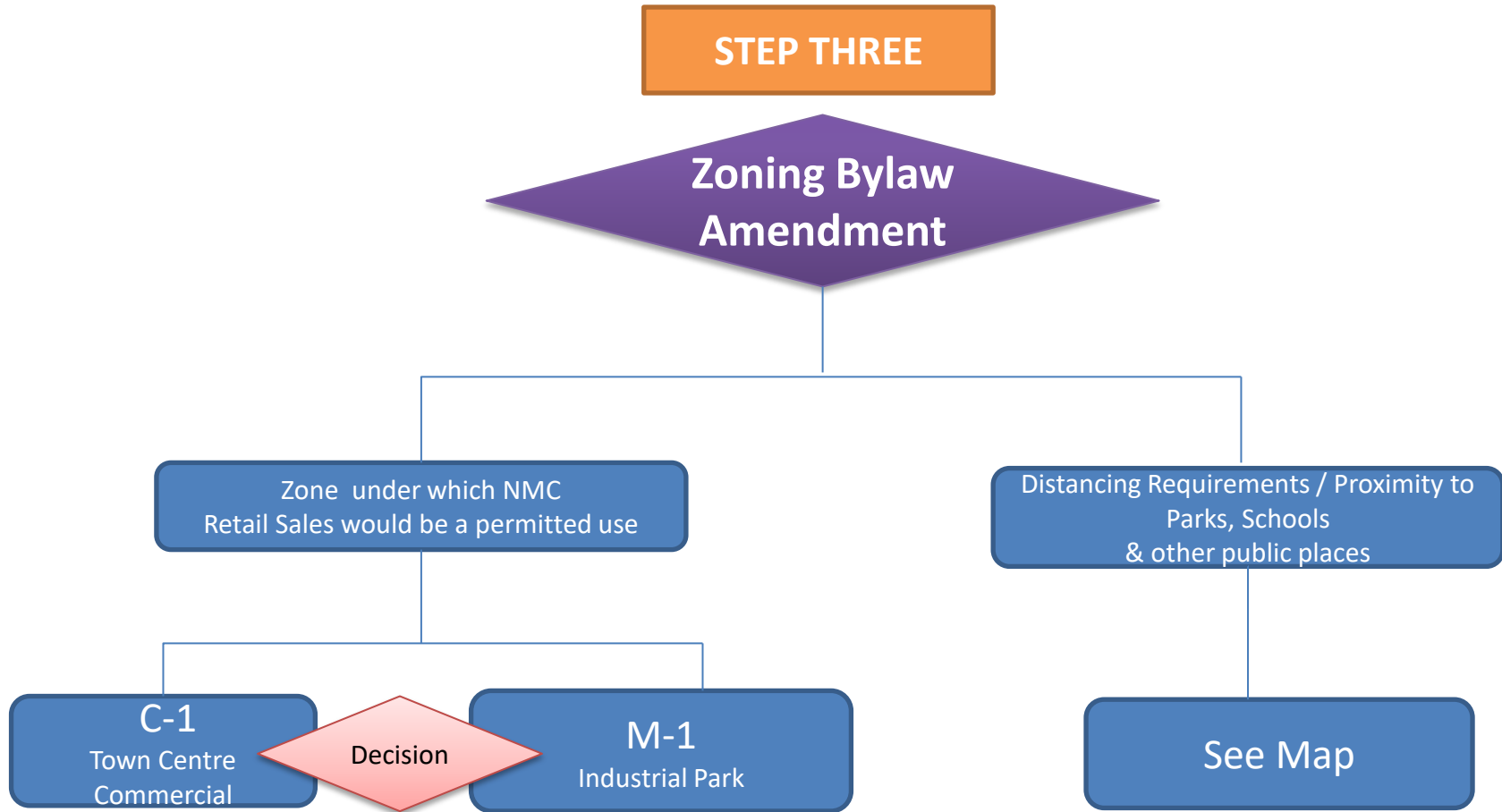
Cannabis Act (Bill C-45)

Decision Making Flow Chart



Policy Development to take place once *Cannabis Act* is passed. This will include public consultation with respect to Policy Development.

Cannabis Act (Bill C-45) Decision Making Flow Chart



Cannabis Act (Bill C-45)

Decision Making Flow Chart

STEP FOUR

Business Licence
Requirements

Meets Zoning
Regulations

Security
Requirements

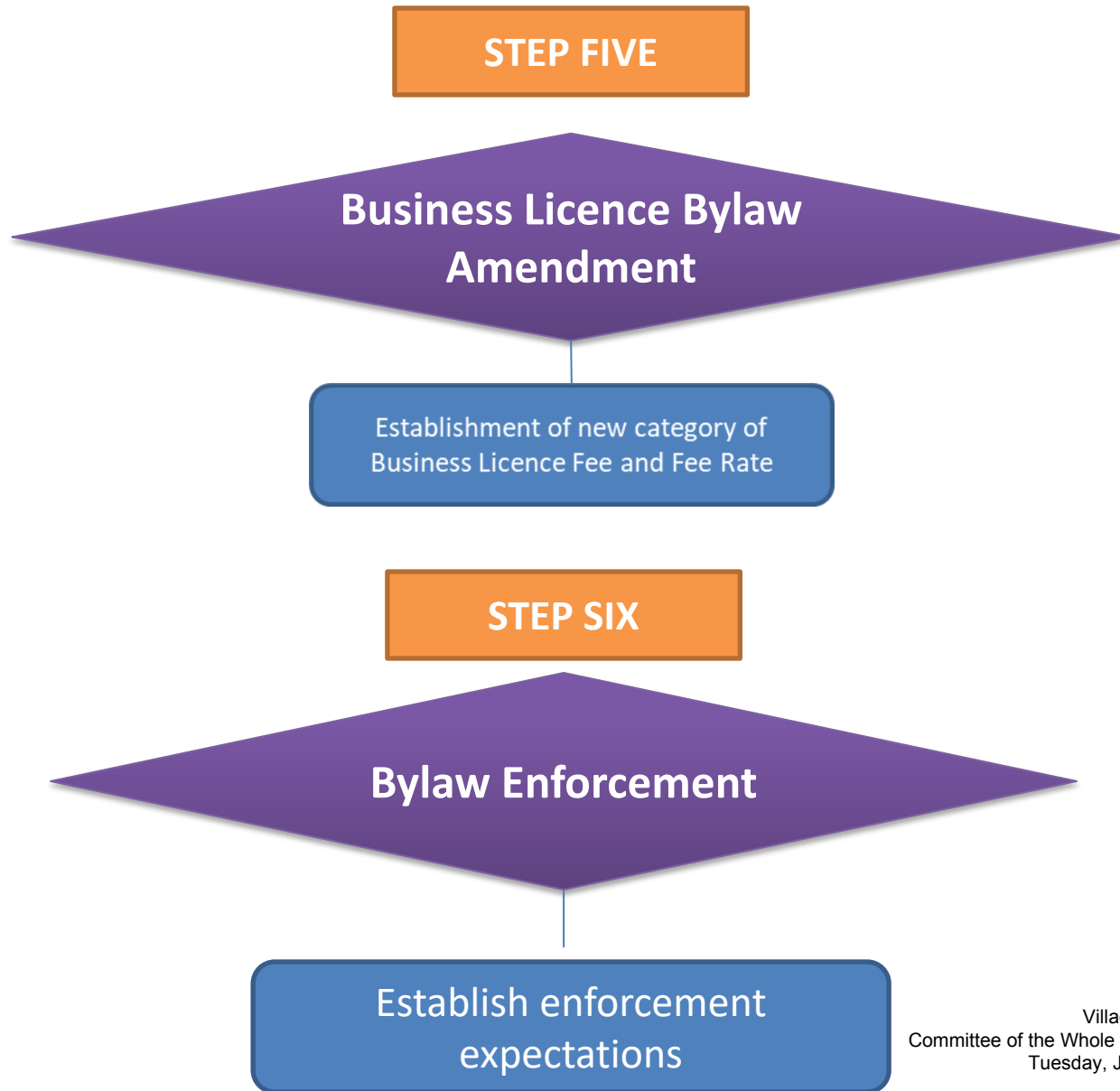
Proof of Provincial
Licence Issuance

Proof of Completion of
Provincial Employee
Training Program

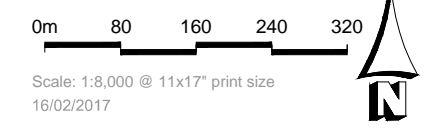
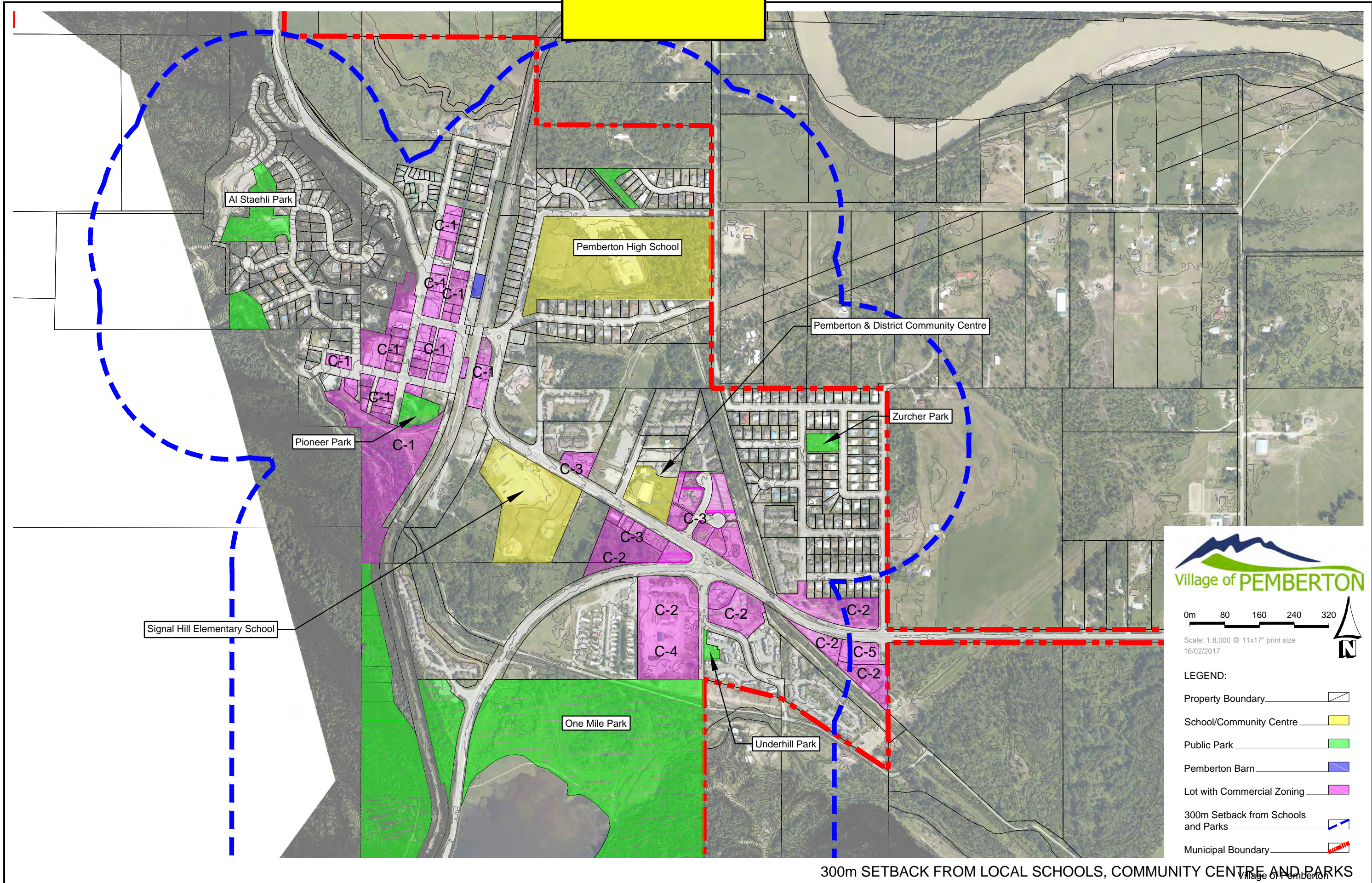
Other Agency
Approvals as
may be required

Hours of
Operation
(established
by Policy)

Cannabis Act (Bill C-45) Decision Making Flow Chart



APPENDIX D



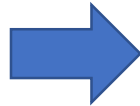
LEGEND:

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

300m SETBACK FROM LOCAL SCHOOLS, COMMUNITY CENTRE AND PARKS

Retail Licence Application Flow Chart

STEP ONE



DECISION

CONSIDERATIONS

MUNICIPAL OBJECTIVES
PUBLIC CONSULTATION
MUNICIPAL CONTROL
FINANCIAL EXPOSURE
FINANCING OF START-UP & LEGAL COSTS
CONFLICT OF INTEREST ISSUES
CORPORATE STRUCTURE
CHOOSE DIRECTORS
PREPARE ARTICLES OF INCORPORATION

OBTAIN APPROVAL OF INSPECTOR OF MUNICIPALITIES

ARTICLES OF INCORPORATION
COVER LETTER ADDRESSING ALL CONSIDERATIONS REGARDING CORPORATE STRUCTURE
BACKGROUND REPORTS
CERTIFIED COPY OF COUNCIL RESOLUTION

[Guide for Launching and Maintaining a Local Government Corporation](#)

FILE APPLICATION TO INCORPORATE

GET A BUSINESS NUMBER
REGISTER TO COLLECT PST

Cannabis Act (Bill C-45)

Retail Licence Application Flow Chart



NEXT STEPS

1. Hire an operator.
2. Make application for a retail licence:
 - Store location (purchase or lease; ensure zoning, floor plan, store front and signage meet requirements)
 - Financial and security checks of directors and officers
 - Approval of local government
 - Pay application fee of \$7,500 plus first annual licence fee of \$1,500.

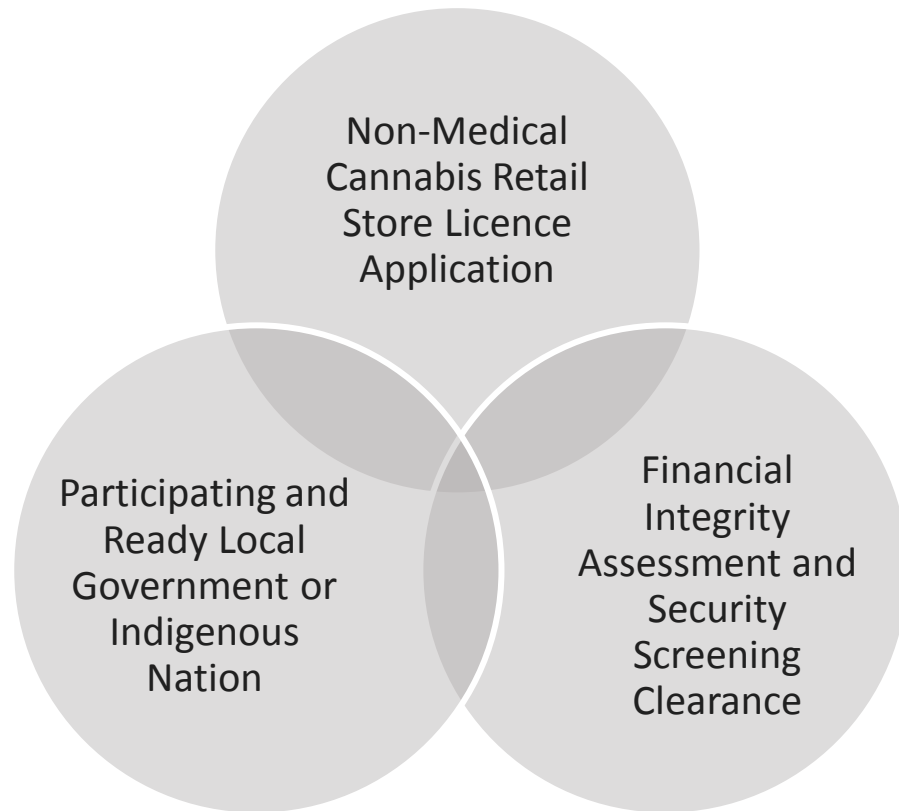
NON-MEDICAL CANNABIS PRIVATE RETAIL STORE LICENSING UPDATE

January 8, 2019

https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/documents/non-medical_cannabis_private_retail_store_licensing_update.pdf

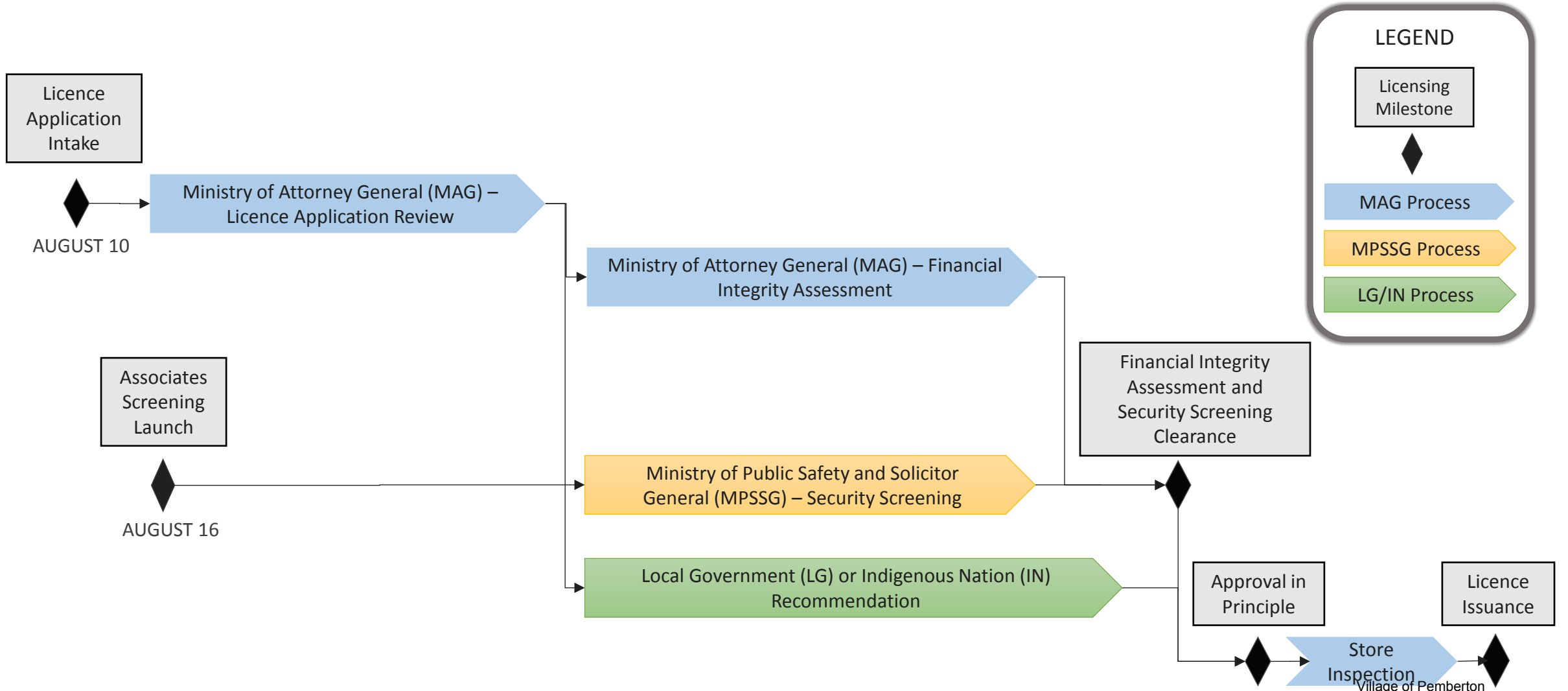
Non-Medical Cannabis Private Retail Store Licence Issuance Factors

A non-medical cannabis retail store licence allows licensees to sell non-medical cannabis and cannabis accessories in British Columbia. Licence issuance is dependent on three factors:



- 1. Non-Medical Cannabis Retail Store Licence Application** – In order to apply for a non-medical cannabis private retail store licence, applicants must submit a completed application form and completed business financial integrity form. Applications cannot be assessed without the completed application forms, fee payment, and supporting business and financial documentation.
- 2. Participating and Ready Local Government or Indigenous Nation** – Not all jurisdictions are considering applications at this time. All applications are referred to the local government or Indigenous nation in the area where the store will be located, and a recommendation must be received before the Province will issue a licence. Applicants may wish to consult with the local government or Indigenous nation of the area where their store will be located prior to submitting an application.
- 3. Financial Integrity Assessment and Security Screening Clearance** – Applicants must submit all required documentation for business financial integrity assessments to proceed with licensing application processing. In accordance with government's goal of keeping organized crime out of the legal cannabis industry, all associates must consent to security checks.

Non-Medical Cannabis Private Retail Store Licence Application Process



LEGEND

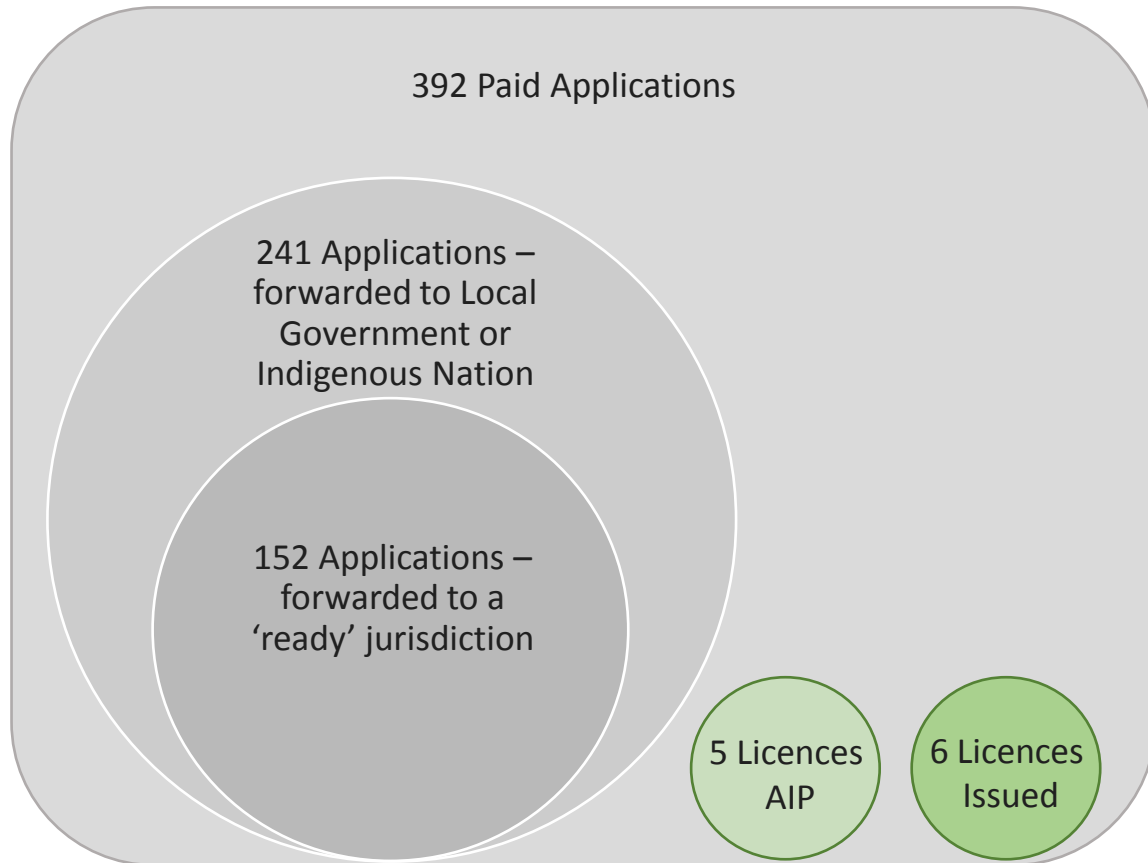
Licensing Milestone

MAG Process

MPSSG Process

LG/IN Process

Status of Non-Medical Cannabis Private Retail Store Licence Applications



- **392 Paid Applications** – Once applicants pay the \$7500 fee, the application and documentation are reviewed for completeness.
- **241 Application Packages Forwarded to Local Governments or Indigenous Nations** – Once an application contains the required documentation and the fee has been paid, the Province forwards the application to the local government or Indigenous nation of the area where the proposed store will be located. 239 applications have been forwarded to local governments, and 2 applications have been forwarded to an Indigenous nation. Note: While a local government or Indigenous nation works on their recommendation, the Province continues to vet the application.
- **152 Applications Forwarded to a 'Ready' Jurisdiction** – This is the number of applications forwarded to local governments which have indicated they are ready to consider non-medical cannabis retail store applications at this time.
- **6 Licences Issued, 5 Approved in Principle (AIP)** – Once an application has passed financial integrity assessment and security screening, the Province issues Approval in Principle. A licence is issued after a successful inspection of the retail location for regulatory compliance.

Application Statistics as of Jan. 8th 2019

Date: January 22, 2019
To: Nikki Gilmore, Chief Administrative Officer
From: Gwendolyn Kennedy, Legislative Assistant
Subject: Draft Updated Business Licence Bylaw No. XXX, 2019

PURPOSE

The purpose of this report is to present a draft Business Licence Bylaw that updates Business Licence Bylaw No. 842, 2018, to include business licence regulations related to cannabis retail and production businesses and address several housekeeping updates. (**Appendix A**).

BACKGROUND

On October 2, 2018, Council approved Non-Medical (Recreational) Cannabis Retail Policy DEV-011 (**Appendix B**). Subsequently, on October 16, 2018, Council adopted Village of Pemberton Zoning Bylaw No. 832, 2018 Amendment (Cannabis, Retail) Bylaw No. 847, 2018, adding Cannabis, Retail to the list of permitted principal uses in the downtown commercial (C-1) zone. As a result of the Village now considering applications for cannabis retail stores there is a need update the Business Licence Bylaw to add relevant regulations and fees.

Additionally, Staff is recommending that consideration be given to changing the business licence fee for cannabis production businesses to align with the new cannabis retail business licence fees.

Other housekeeping amendments to the Business Licence Bylaw have been included for expediency, clarity and administrative purposes.

DISCUSSION & COMMENTS

Cannabis Retail Sales:

The Village's Non-Medical (Recreational) Cannabis Retail Policy (the "Policy") limits the number of cannabis retail locations to two within the downtown core only. As such, the Village has restricted the revenue that can be generated through application and licence fees while delivering a very favourable economic environment to the two successful applicants. Any ongoing indirect costs must be recovered from only two annual licence fees. Thus, setting the annual fees at a level to recover costs now and in the future is an important consideration. However, as cannabis related business are new to British Columbia, local governments are not certain of what direct and indirect costs may amount to, making it more difficult to set licence fees that will ensure cost recovery in the future.

Table 1 provides a comparison of fees charged by other local governments for cannabis retail businesses. These fees are in addition to any federal and provincial licence and application fees. Other applicable fees (sign permits, inspection fees, fees in lieu of parking, building and development permit fees, etc.) may apply and have not been included. It should be noted that although the Federal legislation changed on October 18, 2018 there are only a few municipalities that have enacted bylaws to permit the retail sales of cannabis.

Table 1. Comparison of Fees Associated with Cannabis Retail Business Licences

Municipality	Rezoning Fee	Temporary Use Permit	Licence Application Fee	Licence Processing fee	Annual Licence Fee	Community Amenity Contribution	Total
North Vancouver	\$4,026.25		\$5,000.00	\$1,500.00	\$3,691.00		\$14,217.25
Victoria	\$7,500.00				\$5,000.00		\$12,500.00
Kelowna	\$9,495.00		\$1,000.00		\$ 141.00		\$10,636.00
Squamish					\$5,000.00		\$5,000.00
Kamloops			\$1,600.00		\$5,000.00		\$6,600.00
Nanaimo	\$1,000.00				\$ 165.00	\$10,000.00	\$11,165.00
Nelson					\$2,500.00		\$5,500.00
Prince Rupert			\$4,500.00	\$ 500.00	\$2,500.00		\$7,500.00
Dawson Creek				\$ 100.00	\$2,500.00		\$2,600.00
Salmon Arm				\$1,000.00	\$ 400.00		\$1,400.00
Gibsons	\$1,000.00	\$1,000.00			\$ 160.00		\$1,160.00
Vernon			\$5,000.00		\$2,000.00		7,000.00
Duncan	Request For Proposal (RFP) process						
Langford	Request For Proposal (RFP) process						

Start-up fees in the larger urban centres of North Vancouver, Victoria, Kelowna and Nanaimo exceed \$10,000, while fees in the smaller municipalities range from \$1,160 to \$7,500. Some municipalities have applied their standard business licence fees to cannabis-related businesses with the provision that the fees will be reviewed in the future.

Cannabis Production Businesses:

Table 2 provides a similar summary of local government business licence fees for cannabis production businesses, showing annual licence fees ranging from \$148 in Mission to \$10,000 in Chilliwack. The low fees in some municipalities remain in place as business licencing bylaws have not been updated to include cannabis-related businesses. These low licence fees may not reflect the municipality's position on licence fees for cannabis-related businesses.

Table 2. Comparison of Fees Associated with Licencing of Cannabis Production Businesses

Municipality	Annual Licence Fee	Notes
Pemberton	\$150.00	Standard business licence fee applies.
North Vancouver	\$3,691.00	Fee is specific to cannabis production facility.
Kelowna	\$141.92 +	Standard manufacturing business licence fee applies.
Squamish	\$200.00 - \$400.00	Standard business licence fee applies.
Dawson Creek	\$2,500.00	Fee is specific to cannabis production facility.
Kamloops	\$493.60	Falls under Manufacturing Business Licence.
Chilliwack	\$10,000.00	Fee is specific to cannabis production facility.
Abbotsford	\$5,000.00	Fee is specific to cannabis production facility.
Mission	\$148.00	Standard business licence fee applies but review and amendment of bylaw is planned.
Langley Township	\$5,000.00	Fee is specific to cannabis production facility.

Staff recommends setting fees for cannabis retail and cannabis production businesses higher than other business licence fees due to the higher indirect costs.

Business Licence Fees:

Table 3 shows the suggested fees that have been included in the updated draft Village of Pemberton Business Licence Bylaw. Policy DEV-011, approved by Council on September 4, 2018, stipulates that a business licence fee of not less than \$1,500.00 be established, but does not provide further guidance.

Federal licencing of cannabis production facilities distinguishes between standard and micro (< 200 m²) facilities. In this regard, the Village may wish to establish reduced licencing fees for facilities holding micro cultivation and/or micro production licences in the understanding that high licence fees may be a disincentive to very small producers.

Business Licence Application Fee:

Table 3 also presents for discussion purposes an application processing fee in the amount of \$1,000 that would be applied to cannabis retail business licence applications as the business licence review and inspection process is more extensive. This is an approach taken by other local governments and one that Council may wish to consider.

Table 3. Suggested Business Licence Fees for Cannabis Retail and Cannabis Production Businesses

Business Licence Type	Application Processing Fee	Annual Licence Fee
Cannabis Retail	\$1,000.00	\$3,000.00
Cannabis Production - Standard Cultivation and/or Standard Production	NA	\$3,000.00
Cannabis Production – Micro-Cultivation and/or Micro-Production	NA	\$1,500.00

Housekeeping Amendments

The definitions section 2.1 has been updated to include the definition of Cannabis, Cannabis Production and Cannabis Retail. As well, the definition of Farmers Market was updated to better reflect the intent of this form of operation.

An error in the cost of renewal of a Temporary/Portable Vendor Business Licence as set out in Schedule 'A', Fees was corrected in the updated Bylaw. Schedule 'A' was further amended to clarify the business licence fees by business type. A \$25 administration fee was added to the schedule to reflect the language set out in the relevant section.

Business Licence Bylaw No. 842, 2018 does not allow for a reduction in business licence fees for applications received late in the year as is allowed by other municipalities. Section 10.3 was added to establish reduced business licence fees for new business licence applicants applying between October 1st and December 31st. In this regard, the cost for a business licence in the last quarter of the year will be \$75.00. This will provide new business owners an incentive to move forward with their business licence application and reduce Staff time in monitoring and enforcement in the event that a business opens or starts operating in advance of the business licence being issued.

Sub-section 21.3 (a) (v), requiring short-term vacation rental applicants to provide proof of insurance, has been removed as it is the responsibility of the property owner to ensure that they are sufficiently covered for liability. In this regard, this requirement could put the Village at risk from a liability standpoint. The application form will, however, include a box to be initialed acknowledging that it is recommended that applicants inform their home insurance provider of their business operation and that it is their responsibility to ensure that they are adequately insured.

Part 24 has been updated to provide clarity regarding the application of penalties under different systems (Provincial Court, Municipal Ticket Information Utilization (MTIU) and Bylaw Notice Enforcement (BNEB)), and to remove the \$250 per day limit for continuing offenses as it conflicts with penalties imposed through the Provincial Court, MTUI and BNEB.

Schedule 'B' has been amended to include fines applicable to the new cannabis production and cannabis retail business licences.

The amendments noted are shown on the draft bylaw in red and a comment provided. Where wording has been adjusted or amended the original text is struck out for ease of review.

COMMUNICATIONS

There are no communications considerations at this time.

LEGAL CONSIDERATIONS

Setting fees to recoup costs meets the legislation as set out in section 194 of the *Community Charter*. The draft bylaw has received legal review to ensure compliance with the legislation.

IMPACT ON BUDGET & STAFFING

Preparation of the Bylaw has been completed in-house.

INTERDEPARTMENTAL IMPACT & APPROVAL

The above noted project has been incorporated into the daily routine of the Corporate & Legislative Services Department and can be accommodated.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

There are no impacts on the region or neighboring jurisdictions.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

POTENTIAL GOVERNANCE CONSIDERATIONS

Consideration of this matter is in alignment with Strategic Priority One: Economic Vitality, whereby the Village is committed to supporting a competitive and diversified economy with engaged corporate citizens; and with Strategic Priority Two: Good Governance, whereby the Village is committed to being an open, honest and accountable government, and fiscal responsibility.

RECOMMENDATIONS

THAT the Committee of the Whole provide direction with respect to the fee schedule and operational requirements for cannabis retail and cannabis production businesses.

ATTACHMENTS:

Appendix A: Draft Village of Pemberton Business Licence Bylaw No. XXX, 2019

Appendix B: Policy DEV-011

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

VILLAGE OF PEMBERTON

BYLAW No. XXX, 2019

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.

Cannabis has the same meaning as in the *Cannabis Act (Canada)*, subject to any prescribed modifications.

Cannabis Production means the processing, packaging, testing, destroying, storing or shipping cannabis, or any combination of these, as authorized by a licence issued under Government of Canada regulations.

Cannabis Retail means the retail sale of non-medical (recreational) cannabis for consumption off-premises, as authorized under the *Cannabis Control and Licensing Act (British Columbia)*.

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.

Farmers' Market means an open air or fully or partly covered market for retail sales of agricultural products, artisan crafts and locally prepared foods and beverages sold directly by farmers and artisans to consumers, where a minimum of 60% of the products sold are agricultural products.

~~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. 845, 2018, 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 License 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 where a business licence is withdrawn by the applicant prior to the business licence being issued, or the business licence is refused by the Village, less the administration fee as set out in Schedule "A".

Commented [SF1]: NOTE: This section has been updated by removing reference to 10% administration fee and refer to Schedule A which establishes the Administration Fee at \$25.

~~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.~~

- 10.3. An applicant for a new business licence submitting the application between October 1st and December 31st will pay a reduced licence fee as set out in Schedule 'A'.
- 10.4. An applicant for a cannabis retail business licence must pay a non-refundable application processing fee as per Schedule 'A' before the business licence application is accepted for review.

Commented [SF2]: NOTE: New clause established to provide a business an incentive to make application for a Business Licence later in the year rather than opening and operating in the last quarter without a Business Licence.

Commented [SF3]: NOTE: This clause has been added as it is similar to requirements established in other municipalities.

This clause has been incorporated for discussion purposes.

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: FARMERS' MARKETS

- 20.1. Farmers' 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.

proof of insurance

Commented [SF4]: NOTE: Removed from the Bylaw and incorporated into the Business Licence Application Form checklist to ensure operators are aware that they should check to ensure they are adequately covered through their home owner 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: CANNABIS PRODUCTION

Commented [SF5]: NOTE New Section to address Cannabis Production Business Licence

- 22.1. A person must obtain a *business licence* before operating the business of *cannabis production*.
- 22.2. Any person applying for a *cannabis production business licence* shall provide proof of issuance of a federal licence from Health Canada to the Licence Inspector.
- 22.3. Any person applying for a *cannabis production business licence* must provide the Licence Inspector with the following information, in documented form:
 - a) Parking Plan;
 - b) Site Plan;
 - c) Security Plan;
 - d) Sign Plan;
 - e) Permission of the owner of the building if the space is rented or leased; and
 - f) Proof of payment of all applicable licence and inspection fees.

22.4. Operational Requirements

- a) A person carrying on the *business of cannabis production* must install the following measures in the *cannabis production* facility for security and safety, and ensure they are operating and maintained in good working order at all times:
 - i. Security systems that meet or exceed the requirements of the Liquor and Cannabis Regulation Branch (B.C.) as set out in the *Cannabis Retail Store Licence Terms and Conditions Handbook*, as amended from time to time;
 - ii. -Fire Alarm systems that, when installed or replaced, meet current CSA standards as approved by the Fire Chief for the Village and that are monitored at all times;
 - iii. Air filtration and odour suppression systems that meet the standards of the BC Building Code, as approved by the Chief Building Official for the Village; and
 - iv. Any other security measures that the Chief of Police (RCMP) or the Fire Chief for the Village consider necessary in the circumstances of a specific facility or premises for public safety or security or fire safety, as applicable.

PART 23: CANNABIS RETAIL

- 23.1. A person must obtain a *business licence* before operating a *cannabis retail business*.
- 23.2. Any person applying for a *cannabis retail* business licence shall provide proof of issuance of a Provincial Licence from the Liquor and Cannabis Regulation Branch (LCRB).
- 23.3. Any *person* applying for a *cannabis retail* business licence must provide the Licence Inspector with all of the following information in documented form:
 - a) Parking Plan;
 - b) Site Plan;
 - c) Security Plan;
 - d) Sign Plan;
 - e) Permission of the owner of the building if the space is rented or leased;
 - f) Proof of completion of the LCRB Employee Training Program; and
 - g) Proof of payment of all applicable licence and inspection fees.

23.4. Operational Requirements

- a) A person carrying on a *cannabis retail* business must limit the operation to the hours of 9:00 a.m. and 9:00 p.m. only.

Commented [SF6]: NOTE: New section to address Cannabis Retail.

- b) A person carrying on a *cannabis retail* business must install the following measures for security and safety on the business premises, and ensure they are operating and maintained in good working order at all times:
 - i. Security systems that meet or exceed the requirements of the Liquor and Cannabis Regulation Branch (B.C.) as set out in the *Cannabis Retail Store Licence Terms and Conditions Handbook*, as amended from time to time;
 - ii. Fire Alarm systems that, when installed or replaced, meet current CSA standards as approved by the Fire Chief for the Village and that are monitored at all times;
 - iii. Air filtration and odour suppression systems that meet the standards of the BC Building Code, as approved by the Chief Building Official for the Village; and
 - iv. Any other security measures that the Chief of Police (RCMP) or the Fire Chief for the Village consider necessary in the circumstances of a specific facility or premises for public safety or security or fire safety, as applicable.

PART 24: PENALTIES

24.1. 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, and each day that the offence continues constitutes a separate offence.

24.2. A person found guilty of an offence under this bylaw is liable

Commented [SF7]: NOTE: Updated as per report.

- a) If proceedings are brought under the *Offence Act (B.C.)*, to pay a fine to 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 Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, 2018, as amended or replaced from time to time, 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.

~~24.2. 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 perform 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.~~

~~24.3. Every person who commits an offence of a continuing nature is liable to a fine not exceeding \$250 each day such offence is continued.~~

Commented [SF8]: See report.

~~24.4. 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 25: BYLAW ENFORCEMENT

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

PART 26: DUTY OF CARE

26.1. 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 27: SCHEDULES

27.1. 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 28: SEVERABILITY

28.1. 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 29: MASCULINE/SINGULAR

29.1. 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 30: BYLAW SHALL PREVAIL

30.1. 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

31.1. The following bylaw is hereby repealed:

Village of Pemberton Business Licence Bylaw No. 842, 2018

31.2. Despite subsection 29.1 every order made under Business Licence Bylaw No. 842, 2018 and its amendments continue in effect.

31.3. Schedules "A", "B" and "C" are attached to and form part of this bylaw.

READ A FIRST TIME this ____ day of _____, 2019.

READ A SECOND TIME this ____ day of _____, 2019.

READ A THIRD TIME this ____ day of _____, 2019.

ADOPTED this ____ day of _____, 2019.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

SCHEDULE 'A'

Part 8. Transfer or Change at the Request of the Business

Transfer and Change Fees (8.2) \$25.00

Part 10.1 Business Licence Annual Fees:

Administration Fee: \$ 25.00

Business Licence Fee (Resident & Non-Resident): \$150.00

Business Specific Fees (Part Noted):

Cannabis Production Facility - Standard (22)	\$3,000.00
Cannabis Production Facility – Micro (22)	\$1,500.00
Cannabis Retail Store (23)	\$3,000.00
Community Event (16)	\$150.00
Farmers' Market (20)	\$300.00
Street, Park, Mobile or Temporary Vendor (14)	\$300.00
Short-Term Vacation Rental (21)	\$300.00
Special Event (17)	\$100.00
Trade Contractor (15)	\$150.00
Vending Machines (18)	\$150.00

Part 10.2 Non-Refundable Application Processing Fee

Cannabis Retail Store Business Licence Applicants \$1,000.00

Part 10.3 Reduced Fee for Applications received between October 31st and December 31st:

The Business Licence Annual Fee for new applications received between October 31st and December 31st will be 50% of the full business licence annual fee set out in Part 10.1.

Part 12. Business Licence Renewal Penalty

Business Licence Renewals received after January 31st will be subject to a 100% penalty.

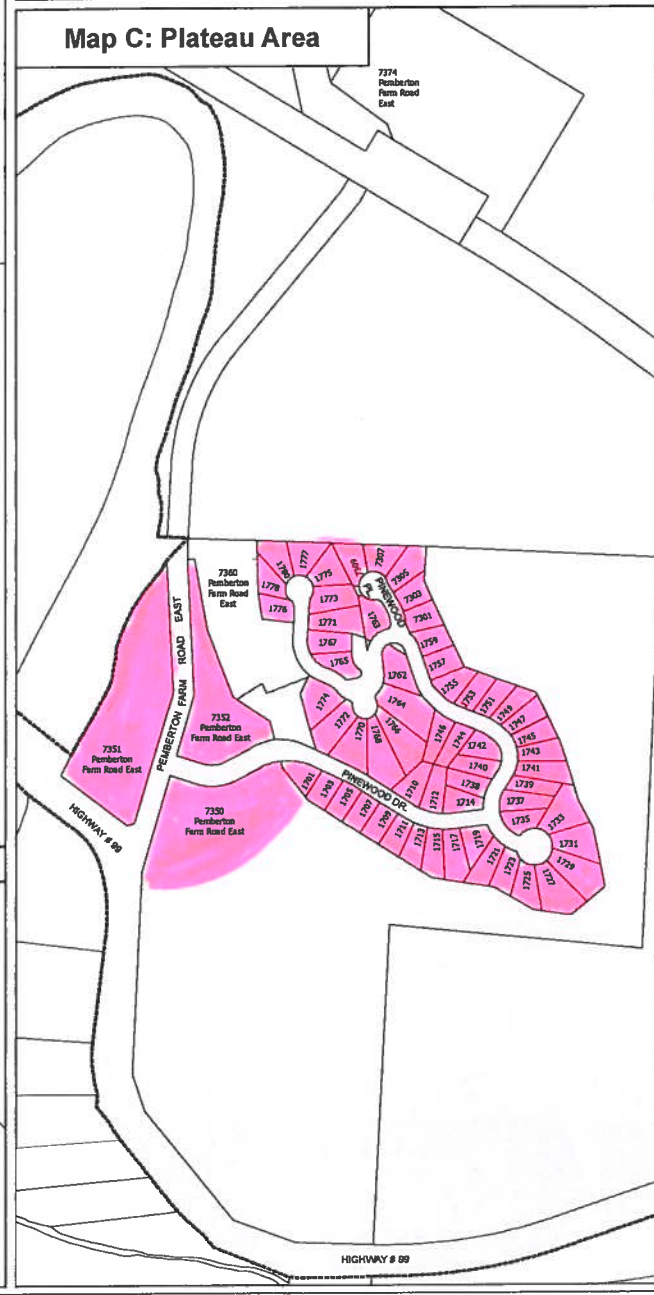
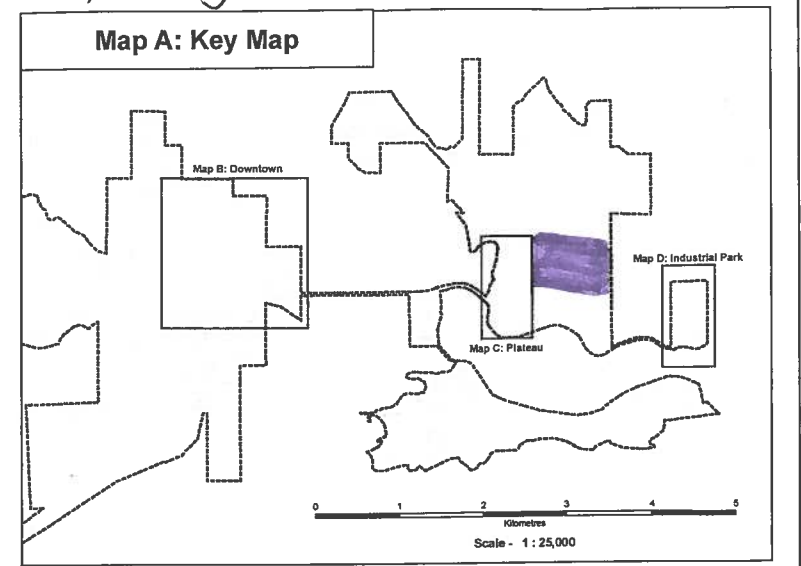
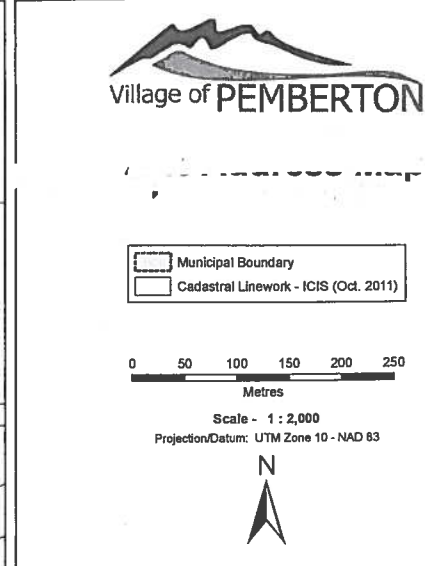
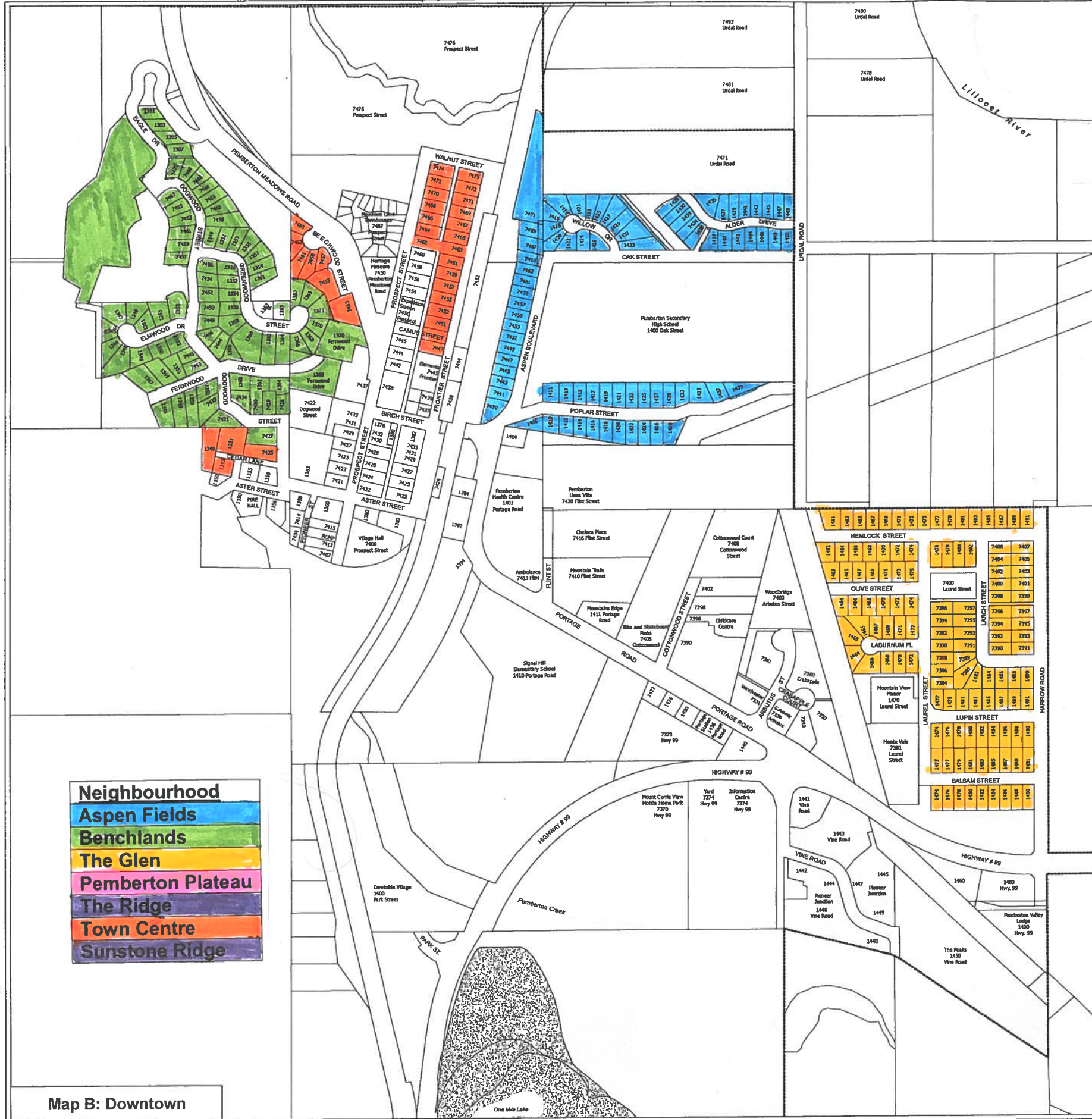
SCHEDULE 'B'

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
22.1	Cannabis Production without a Business Licence	\$600.00
22.4	Cannabis Production in contravention to operational requirements, per offense	\$ 75.00
23.1	Cannabis Retail without a Business Licence	\$600.00
23.4	Cannabis Retail in contravention to operational requirements, per offense	\$ 75.00

Schedule "C"

Short-Term Vacation Rental Cap/Allocation by neighbourhood



Non-Medical (Recreational) Cannabis Retail Policy

Department:	Development Services	Policy No.:	DEV-011
Sub-department:	Planning	Created By:	Lisa Pedrini
Approved By:	Council	Amended By:	
Approved Date:	2 October 2108	Amendment:	
Meeting No.:	1477	Meeting No.:	

POLICY PURPOSE

The *Non-Medical (Recreational) Cannabis Policy* identifies the requirements for the sales of non-medical (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 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 integrate 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).
- 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

1. Licencing 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.
- Council will make their recommendation based in part on the views of nearby residents. Views of nearby residents will be gathered by mailing or otherwise delivering a written notification to properties within 100 metres of the proposed non-medical (recreational) cannabis retail business location and by placing notices 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 recommend the application be supported 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.

2. Application Referral Review Fee

- The Village of Pemberton will charge a review fee of not less than \$500.00 payable by the Applicant per referral.

3. Land Use and Zoning

- The Village of Pemberton Zoning Bylaw No. 832, 2018 prohibits medical cannabis dispensaries in all zones.
- In order for non-medical (recreational) cannabis retail sales to be permitted in the Village of Pemberton, the Village will initiate a Zoning Amendment to permit non-medical (recreational) cannabis retail in the Town Centre Commercial (C-1) Zone, under certain Conditions of Use.
- A maximum of two (2) non-medical (recreational) cannabis retail businesses will be permitted to operate in the Town Centre Commercial (C-1) Zone at one time.

4. Conditions of Use - Distancing Requirements

- Locations for non-medical (recreational) cannabis retail businesses must be at least one hundred and fifty (150) meters away 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 (buffers) is attached as **Appendix B**.

5. Conditions of Use - Operational Requirements

- A 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.

6. 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 a 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.

7. 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.