

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

Agenda for the **Regular Meeting** of Council of the Village of Pemberton to be held Tuesday, February 5, 2019 at 5:30 p.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1486.

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

Item of Business	Page No.
1. CALL TO ORDER	
In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.	
2. APPROVAL OF AGENDA	1
Recommendation: THAT the Agenda be approved as presented.	
3. RISE WITH REPORT FROM IN CAMERA (CLOSED)	
4. ADOPTION OF MINUTES	4
a) Regular Council Meeting No. 1485, Tuesday, January 22, 2019.	
Recommendation: THAT the minutes of Regular Council Meeting No. 1485, held Tuesday, January 22, 2019, be adopted as circulated.	
5. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING	
6. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE	
7. COMMITTEE MINUTES - FOR INFORMATION	
8. DELEGATIONS	
9. REPORTS	
a) Office of the Chief Administrative Officer	
i. CAO's Verbal Report	
ii. BikeBC Funding Application – Bicycle Network Plan	
Recommendation: THAT Council support the application to the BikeBC Program for the development of a Cycling Network Plan for up to \$7,500.	
AND THAT Council allocate \$7,500 from the 2019 Budget for the Village's matching contribution toward the development of a Cycling Network Plan	
iii. Fougberg Park Development Proposal	
Recommendation: THAT Council directs Staff to proceed with the development of the Fougberg Park Parking Lot in conjunction with Downtown Enhancement Project subject to a positive hydrogeologist report;	
AND THAT Staff secure the construction of the Fougberg Park Parking Lot with	

RONA by way of a formal agreement.

b) MAYOR'S Report

c) COUNCILLORS' Reports

10. BYLAWS

a) Bylaws for First, Second and Third Readings

- i. Village of Pemberton Animal Control Bylaw No. 839, 2018 Amendment Bylaw No. 854, 2019** 23

Recommendation: THAT Village of Pemberton Animal Control Bylaw No. 839, 2018 Amendment Bylaw No. 854, 2019 receive First, Second and Third Readings.

- ii. Village of Pemberton Business Licence Bylaw No. 855, 2019** 48

Recommendation: THAT Village of Pemberton Business Licence Bylaw No. 855, 2019 receive First, Second and Third Readings.

- iii. Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, 2018, Amendment (Smoking Regulation/Business Licence) Bylaw No. 856, 2019** 103

Recommendation: THAT Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, 2018, Amendment (Smoking Regulation/Business Licence) Bylaw No. 856, 2019 receive First, Second and Third Readings.

b) Bylaws for Adoption

- i. Village of Pemberton Tax Exemption (Pemberton Childcare Society) Bylaw No. 850, 2019** 113

Recommendation: THAT Village of Pemberton Tax Exemption (Pemberton Childcare Society) Bylaw No. 850, 2019 receive Fourth and Final Reading.

- ii. Village of Pemberton Tax Exemption (Pemberton Lions Activities Society) Bylaw No. 851, 2019** 115

Recommendation: THAT Village of Pemberton Tax Exemption (Pemberton Lions Activities Society) Bylaw No. 851, 2019 receive Fourth and Final Reading.

- iii. Village of Pemberton Tax Exemption (Pemberton Community Church) Bylaw No. 852, 2019** 117

Recommendation: THAT Village of Pemberton Tax Exemption (Pemberton Community Church) Bylaw No. 852, 2019 receive Fourth and Final Reading.

- iv. Village of Pemberton Tax Exemption (Pemberton Legion) Bylaw No. 853, 2019** 119

Recommendation: THAT Village of Pemberton Tax Exemption (Pemberton Legion) Bylaw No. 853, 2019 receive Fourth and Final Reading.

11. CORRESPONDENCE

a) For Action

- i. **Donna Kelm, Village of Pemberton, dated January 29, 2019, expressing concerns regarding parking at Al Staehli Park on Dogwood Street.** 121

Recommendation: THAT Council refer the correspondence to Staff for response.

- ii. **Nick Fisher, Village of Pemberton, dated January 29, 2019, expressing concerns regarding parking at Al Staehli Park on Dogwood Street.** 122

Recommendation: THAT Council refer the correspondence to Staff for response,

- iii. **Clare Greenberg, Sea to Sky Invasive Species Council, dated February 1, 2019, requesting funding in the amount of \$1,600 to support the Local Government Partnership Program in 2019.** 123

Recommendation: THAT funding, in the amount of \$1600, be provided to the Sea to Sky Invasive Species Council to help support the Partnership Program.

b) For Information

- i. **Brock Macdonald, Chief Executive Officer, Recycling Council of British Columbia, dated January 11, 2019, extending an invitation the 45th Annual Zero Waste/Circular Economy Conference 2019.** 125

Recommendation: THAT the above correspondence be received for information.

12. DECISION ON LATE BUSINESS

13. LATE BUSINESS

14. NOTICE OF MOTION

15. QUESTION PERIOD

126

16. ADJOURNMENT

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

Minutes of the Regular Meeting of Council of the Village of Pemberton held on Tuesday, January 22, 2019 at 5:30 p.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 1485.

IN ATTENDANCE: Mayor Mike Richman
Councillor Amica Antonelli
Councillor Leah Noble
Councillor Ryan Zant
Councillor Ted Craddock

STAFF IN ATTENDANCE: Nikki Gilmore, Chief Administrative Officer
Sheena Fraser, Manager of Corporate & Legislative Services
Lisa Pedrini, Senior Planner
Jill Brooksbank, Senior Communications & Grant Coordinator
Sarah Toews, Emergency Program Coordinator
Gwendolyn Kennedy, Legislative Assistant

Public: 2

1. CALL TO ORDER

At 5:37 p.m. Mayor Richman called the meeting to order.

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

2. APPROVAL OF AGENDA

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

3. RISE WITH REPORT FROM IN CAMERA

Airport Lease

At the In Camera meeting held earlier today Council Rose with Report on the following resolution:

***THAT** Staff be directed to enter into lease negotiations with SKY Helicopter for a lease space at Pemberton Airport.*

4. ADOPTION OF MINUTES

a) Regular Council Meeting No. 1483, Tuesday, December 11, 2018

Moved/Seconded

THAT the minutes of Regular Council Meeting No. 1483, held Tuesday, December 11, 2018, be adopted as circulated.

CARRIED

b) Special Council Meeting No. 1484, held Thursday, December 13, 2018

Moved/Seconded

THAT the minutes of Special Council Meeting No. 1484, held Thursday, December 13, 2018, be adopted as circulated.

CARRIED

5. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING

There was no business arising.

6. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE MEETING

There was no business arising.

7. COMMITTEE MINUTES – FOR INFORMATION

a) Community Committees

i. Meeting Minutes, Tourism Pemberton Meeting, December 12, 2018

Moved/Seconded

THAT the draft minutes of the Tourism Pemberton meeting held on Wednesday, December 12, 2018 be received.

CARRIED

At 5:41 p.m. Councillor Antonelli arrived and took her seat at the Council table.

8. DELEGATIONS

There were no delegations.

9. REPORTS

a) Office of the Chief Administrative Officer

i. CAO Verbal Report

Third Quarter Financial Statement Clarification:

CAO Gilmore provided clarification regarding a balance sheet entry on the third quarter financial statements that was made to record a non-monetary transaction transferring recently purchased lands located along the north side of Frontier Street to the Village.

Village Office Holiday Closure:

In response to a second query regarding the Christmas break office closures, CAO Gilmore explained that the Village office holiday closure on December 24th, 27th and 28th did not result in additional staff costs as Staff utilized vacation and/or banked time and the closure had minimal impact on services.

Moved/Seconded

THAT the CAO's verbal report be received.

CARRIED

ii. Community, Culture and Recreation Infrastructure Funding Application Soccer Field and Amenity Building Proposal

Moved/Seconded

THAT Council support an application to the Community, Culture and Recreation Fund for the development of a FIFA regulation-sized soccer field and amenity building for up to \$4,225,000.

AND THAT Council allocate \$217,000 from Park Development Cost Charges (DCCs) and complete negotiations for develop CACs in the amount of \$297,000.

AND THAT Council direct Staff to explore other funding opportunities to offset the Village's matching contribution.

CARRIED

Moved/Seconded

THAT Council send correspondence to the SLRD Electoral Area C Director requesting a matching contribution toward the amount that the Village is required to match through the funding program in the amount of \$514,000.

CARRIED

iii. Rural and Northern Communities Funding Application Lot 13 Park and Ride

Moved/Seconded

THAT Council support an application to the Rural and Northern Development Infrastructure Program for the development of a park'n'ride facility for up to \$1.3 million dollars.

CARRIED

iv. Emergency Operations Centre Funding Application

Moved/Seconded

THAT Council support an application to UBCM's Emergency Operations Centres Grant program for up to \$25,000 to improve the Village's Emergency Operations Centre.

AND THAT Council approve \$2,045 to be included in the 2019 Emergency Management budget.

CARRIED

b) Operations & Development Services

Ride Hailing Services (i.e. Uber) Submission

Moved/Seconded

THAT Council supports providing input to the all-party Select Standing Committee on Crown Corporations on the following aspects of transportation network services (ride hailing or ridesharing) regulations, based on the Staff recommendations laid out in the January 22nd Staff report and as amended:

1. What criteria should be considered when establishing boundaries?

Criteria on the establishment of boundaries for rural and small communities should be less geographically stringent than that used for urban (metropolitan) areas in order to facilitate the economic feasibility and the sheer availability of transportation network services in currently underserved areas such as Pemberton.

2. How should regulations balance the supply of service with consumer demand, including the application of the Passenger Transportation Board's current public convenience and necessity regime as it pertains to transportation network services?

The public convenience and necessity regime does not serve to adequately ensure supply based on consumer demand, in particular in small and rural areas. Regulations should serve the public first and foremost, by facilitating

the delivery of safe and more sustainable transportation options for consumers.

3. What criteria should be considered when establishing price and fare regimes that balance affordability with reasonable business rates of return for service providers?

Reduced fares should be available for seniors, students and those with accessibility issues.

Otherwise, price and fare should be determined on a market supply and demand basis which will allow those interested in working in this area to be adequately compensated.

4. What class of drivers' licence should be required for ride-hailing drivers to ensure a robust safety regime without creating an undue barrier for drivers?

The Village of Pemberton supports the intention to require a Class 4 (Restricted) licence in order to ensure safety is an ultimate priority.

CARRIED

c) Mayor's Report

Mayor Richman extended condolences to Shirley Henry and family on the passing of George Henry. George's passion for and knowledge of history of the Pemberton Valley was greatly appreciated by all who knew him. In recognition of George's contribution to the community, the Village will make a donation in George's name to the Pemberton Health Care Foundation. A memorial service is planned for a later date.

Mayor Richman reported on the following:

- Tourism Pemberton is undertaking an Economic Impact Study.
- Kudos to the Public Works crew for their resilience and dedication in clearing snow during the early January winter storm.
- Reminder to residents to sign up for PembertonALERT, the Village's emergency notification system.
- Congratulations to the Spirit of BC - Winterfest Committee for putting together another successful family New Years Eve event at the Community Centre.
- Provincial Cabinet approval of the Sea to Sky Regional Transit initiative is pending.

Mayor Richman attended the following meetings:

- ◆ Squamish-Lillooet Regional District Board Meeting, December 19, 2018:
 - Blackcomb Helicopters presented information on a proposed heli-biking business;
 - A development variance permit for construction of an elevated tree-walk and viewing platform by Sea to Sky Gondola was approved;
 - Sea to Sky Invasive Species Council requested alternative solutions for the disposal of invasive species;
 - Lower Mainland Local Government Association encourages local governments to plant trees during Local Government Awareness Week, May 19 – 25, 2019;
 - A request for development of a rock quarry on farm land in Squamish was denied;
 - the Village's request for an update regarding a Service Establishment Bylaw to include funding of the Chamber of Commerce Visitor Information Centre was referred to Staff.

- ◆ Sea to Sky Regional Hospital Board Meeting, December 19, 2018
 - 2019 budget was discussed.

- ◆ Pemberton Valley Utilities and Services Committee, January 21, 2019
 - Area C Director Mack was elected Chair and Councillor Zant was elected Vice-Chair;
 - A funding request from Pemberton Off-Road Cycle Association (PORCA) was referred to Village Community Initiative and Enhancement Fund;
 - A request for matching funding by the Pemberton Arts Council will be considered by the SLRD Area C Director;
 - A request for funding in the amount of \$15,000 for upgrades to the outdoor hockey court by Signal Hill Parent Advisory Council was discussed and it was suggested that there may be the opportunity construct the hockey court at the same time as the basketball court and thereby reduce the costs.
 - 2019 budget was considered.

Mayor Richman noted the following upcoming events:

- Pemberton Snowmobile Club is hosting their annual family fun sled day at Big Sky on February 18th.
- Pemberton and District AGM is holding their AGM on January 29th and is looking for board members;
- Boomerang Bags is hosting a t-shirt drive to collect old t-shirts to convert into bags.

d) Councillor Reports

Councillor Craddock

Councillor Craddock reported on the following:

- Attended Pemberton Valley Dyking District meeting on January 24, 2019; suggested that the Village explore the possibility of purchasing gravel removed from the Voyageur bar and/or the Big Sky/Airport bar at cost when these projects go ahead.

Councillor Antonelli

Councillor Antonelli reported on the following:

- Attended Pemberton & District Public Library Board Meeting and noted that the 40th anniversary celebrations will be held on Friday, February 1st between noon and 2:00 p.m. and fundraising is underway for a new drop box.

Councillor Zant

Councillor Zant reported on the following:

- Attended Local Government Leadership Association Elected Officials Seminar in Richmond from January 15th to 17th.
- Provided information on the BC Youth Parliament Program.

Councillor Noble

Councillor Noble reported on the following:

- Attended Local Government Leadership Association Elected Officials Seminar in Richmond from January 15th to 17th.

10. BYLAWS

a) Bylaws for First, Second and Third Readings

i. Village of Pemberton Tax Exemption (Pemberton Childcare Society) Bylaw No. 850, 2019

Moved/Seconded

THAT Village of Pemberton Tax Exemption (Pemberton Childcare Society) Bylaw No. 850, 2019 receive First, Second and Third Readings.

CARRIED

ii. **Village of Pemberton Tax Exemption (Pemberton Lions Activities Society) Bylaw No. 851, 2019**

Moved/Seconded

THAT Village of Pemberton Tax Exemption (Pemberton Lions Activities Society) Bylaw No. 851, 2019 receive First, Second and Third Readings.

CARRIED

iii. **Village of Pemberton Tax Exemption (Pemberton Community Church) Bylaw No. 852, 2019**

Moved/Seconded

THAT Village of Pemberton Tax Exemption (Pemberton Community Church) Bylaw No. 852, 2019 receive First, Second and Third Readings.

CARRIED

iv. **Village of Pemberton Tax Exemption (Pemberton Legion) Bylaw No. 853, 2019**

Moved/Seconded

THAT Village of Pemberton Tax Exemption (Pemberton Legion) Bylaw No. 853, 2019 receive First, Second and Third Readings.

CARRIED

11. CORRESPONDENCE

a) **For Action**

i. **Honourable Rob Fleming, Minister of Education, dated January 7, 2019, announcing the opening of nominations for the 2019 premier's Awards for Excellence in Education.**

Moved/Seconded

THAT the above correspondence be received.

CARRIED

ii. **Cheeying Ho, Executive Director, Whistler Centre for Sustainability, dated January 10, 2019, requesting \$2,000 in funding for 2019 support of the Squamish-Lillooet Regional District Food Task Force.**

Moved/Seconded

THAT Whistler Centre for Sustainability be invited to make an application for funding under the Community Enhancement Fund and to attend an upcoming Council meeting as a delegation to provide background on the Food Task Force initiative and on their funding request.

CARRIED

b) For Information

- i. **Olivier Grüter-Andrew, President and CEO, E-Comm, Emergency Communications for British Columbia Incorporated, dated November 30, 2018, extending congratulations to Council on their election to office and inviting Council for a tour of the E-Comm facility.**
- ii. **Pamela Goldsmith-Jones, M.P., West Vancouver-Sunshine Coast-Sea to Sky Country, addressed to Gilles Valade, Executive Director, Avalanche Canada, dated December 7, 2018, extending congratulations on achieving a \$25 million endowment.**
- iii. **Andrew Gage, Staff Lawyer, West Coast Environmental Law, dated December 7, 2018, enclosing correspondence dated January 25, 2017, and requesting that the Village take action to protect the community and tax payers from the impacts and costs of climate change.**
- iv. **Pamela Goldsmith-Jones, M.P., West Vancouver-Sunshine Coast-Sea to Sky Country, addressed to the Honourable Navdeep Bains, Minister of Innovation, Science and Economic Development, dated December 17, 2018, expressing gratitude for the success of the Connect to Innovate program.**
- v. **Pamela Goldsmith-Jones, M.P., West Vancouver-Sunshine Coast-Sea to Sky Country, addressed to the Honourable Dominic LeBlanc, Minister of Intergovernmental and Northern Affairs and Internal Trade, dated December 21, 2018, presenting the top priorities of the Federation of Canada Municipalities.**
- vi. **Larry Murray, Director, Sea to Sky Crime Stoppers, dated January 10, 2019, presenting a press release regarding 2018 achievements.**

Moved/Seconded

THAT the above correspondence be received for information.

CARRIED

12. DECISION ON LATE BUSINESS

There was no late business for discussion.

13. LATE BUSINESS

There was no late business for discussion.

14. NOTICE OF MOTION

There was no notice of motion.

15. QUESTION PERIOD

Joel Barde, Pique Newsmagazine, requested clarification regarding the Village's application to the Community, Culture and Recreation Fund for funding of a second soccer field and amenities building.

18. ADJOURNMENT

Moved/Seconded

THAT the Regular Council Meeting be adjourned.

CARRIED

At 7:42 p.m. the Regular Council Meeting was adjourned.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Date: Tuesday, February 5, 2019

To: Nikki Gilmore, Chief Administrative Officer

From: Jill Brooksbank, Sr. Communications & Grants Coordinator

Subject: BikeBC Funding Application | Bicycle Network Plan

PURPOSE

The purpose of this report is to seek support from Council to apply to the BikeBC Program for the development of a Village of Pemberton Cycling Network Plan.

BACKGROUND

The BikeBC Program is a Provincial cost-sharing fund that supports projects related to commuter cycling and safety improvements for cyclists. Staff is seeking support to apply to the Cycling Network Plan funding stream for the development of a Villages-specific Plan.

The purpose of a Cycling Network Plan is to identify potential networks of bicycle paths, routes and trails integrated with the Village's roadway system, existing bicycle routes and park system to accommodate resident and visitor cycling needs.

A bicycle network provides direct access for cyclists to major destinations within a municipality as well as connections to regional and provincial bicycle routes. Examples of major destinations include schools, commercial and office centres, intermodal transportation centres and recreational areas.

Components of a Bicycle Network Plan include:

- Goals and Objectives to be achieved by the bicycle plan;
- Bicycle Network Plan, including bicycle routes, pathways and other infrastructure integrated with the municipal and regional roadway network, pathways, park systems and transit services;
- Design Guidelines for bicycle infrastructure, including address intersection configuration and laning, surface materials, grades, signage, pavement markings, bicycle crossings, illumination and means of accommodating cyclists during construction projects;
- Maintenance Policies & Procedures;
- End-of-Trip Bicycle Facilities (ie: Bike lockups);
- Capital Expenditure Plan to identify estimated costs of proposed cycling projects and timing;
- Supporting Programs to maximize the effectiveness and success of the bicycle plan; and
- Ongoing Maintenance Plan.

DISCUSSION & COMMENTS

While the Village has accessed capital funding from BikeBC in previous intakes, the Program now requires local governments to have an adopted Cycling Network Plan to apply for capital funding. As such, the BikeBC Program has added a Cycling Network Plan funding stream. Municipalities with a population of less than 15,000 may apply for up to 50% of the cost of the development of a Cycling Network Plan.

COMMUNICATIONS

There are no communications considerations at this time. However, should the Village be successful in securing funding, we would be bound by the communications requirements outlined in the funding agreement.

LEGAL CONSIDERATIONS

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

IMPACT ON BUDGET & STAFFING

The development of a Cycling Network Plan will be undertaken by a consultant. Upon speaking with two consultants, it was indicated that the development of the Plan would cost approximately \$15,000. Should the Village be successful in obtaining funding, the Village's required contribution would be \$7,500. It is anticipated that limited Staff time would be required to provide the consultant with existing related Plans and Policies, in addition to facilitating any engagement and outreach activities. This work can be accommodated within the day-to-day work of both the Sr. Planner and the Sr. Communications & Grants Coordinator.

INTERDEPARTMENTAL IMPACT & APPROVAL

Interdepartmental Approval by:	Nikki Gilmore, Acting Manager of Development Services and Operations
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IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

As the provision and maintenance of trails is managed by the Squamish-Lillooet Regional District (SLRD), the Consultant will be required to consult with the SLRD Trails Coordinator to identify existing regional cycling connections and networks, and how they can be incorporated into the Village's Cycling Network Plan.

Staff have also reached out to the Ministry of Transportation and Infrastructure (MOTI) regarding the Village's application to the program. Staff at the Ministry indicated that there is support for cycling on MOTI roads and highways, where possible, and that they do not see a conflict to using Highway 99/Portage Road/Birch Street as part of the network.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

POTENTIAL GOVERNANCE CONSIDERATIONS

The application to the BikeBC Program aligns with *Strategic Priority Four: Social Responsibility* whereby the Village strives to create a strong and vibrant community, recognizing the importance and benefits of healthy, engaged citizens as well as an accessible and well managed natural environment.

RECOMMENDATIONS

THAT Council support the application to the BikeBC Program for the development of a Cycling Network Plan for up to \$7,500.

AND THAT Council allocate \$7,500 from the 2019 Budget for the Village's matching contribution toward the development of a Cycling Network Plan.

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

Date: February 5, 2019

To: Nikki Gilmore, Chief Administrative Officer

From: Sheena Fraser, Manager, Corporate & Legislative Services
Lisa Pedrini, Senior Planner

Subject: Fougberg Park Development Proposal

PURPOSE

The purpose of this report is to provide background on Fougberg Park and present an option for development of the Park to facilitate a new downtown parking lot.

BACKGROUND

Prior to 1993 the Pemberton & District Museum was located at 7424 Prospect Street between the Pemberton Valley Dyking District Office and the RONA (which was then Home Hardware). This lot was considered to be a prime piece of property in the downtown commercial core. In 1995, as a result of the Village acquiring use of the BC Rail lands located on the corner of Camus and Prospect¹, the Museum was moved in order to free up the downtown lot for potential commercial use in the future. With the Village owned land now being vacant Council determined that it would be appropriate in the interim to designate by resolution the lands as “Village Centre Park” and maintain it as a green area within the Village downtown core.

At some point, this area began to be referred to as Fougberg Park (the “Park”). A review of Council meeting minutes from this time period has not resulted in finding a resolution to that affect; however, there is recollection that the Park was named in honour of the Fougberg family but Staff has not been able to confirm this. At one point in Village records, this Park was referred to as Frontier Park.

In 1996, there was a need to establish new Wells for water servicing and drilling of a test well took place on this lot. Shortly thereafter, as a result of the drilling being successful, Well No. 2 was established on the lands.

In July 2004 the Village received a proposal from Home Hardware to expand their storage area into Fougberg Park to provide for the storage of untreated lumber and sealed insulation. The proposal included a commitment by Home Hardware to make significant improvements to the Park which included a pergola, fountain, landscaping and seating area in exchange for use of the back portion of the property. In February, 2005 the Village issued a Request for Proposal to lease the southerly 28.2 meters of the Park. The Village received only one submission which was from Home Hardware. There was initial support on the part of Council for this proposal when it was first introduced in the summer of 2004. After further consideration, Council determined it was best to defer a decision until information had been received from the Village

¹ These lands have since been transferred to the Village and a Lease Agreement established with the Museum

Engineers and Vancouver Coastal Health Authority (VCH) respecting potential impacts to the well head, which was located in the proposed expansion area.

At the April 5th Regular Council meeting, a presentation was made by Len Clarkson from Vancouver Coastal Health Authority. In the presentation Mr. Clarkson spoke about the new *Drinking Water Protection Act*, the requirements of the Village's Drinking Water Permit, provided an overview of the Village of Pemberton water system, spoke about the elements of a well protection plan and mitigation measures that could be put in place for Well No. 2 that would address any concerns related to potential impacts until a full Well Head Protection Plan could be developed.

Subsequently, on April 19, 2005 Council accepted the bid from Home Hardware for a ten (10) year lease of the rear portion of the Park in exchange for developing the front part of the Park with re-development of the rear part of the Park to take place at the expiration of the lease. Council also directed that the following measures be put in place for the protection of Well No. 2 (which would be the responsibility of the leaseholder):

- Construction of a fenced area that protects the well head and controls, and includes a dedicated, lockable gate, accessible from the adjacent lane immediately to the east of Fougberg Park.
- Installation of an asphalt apron around the well head, with the grade moving away from the well head.
- Installation of a perimeter drain to allow for the transport of runoff away from the well head.
- Installation of signage that identifies the well head.
- Monitoring schedule that would give Village staff the ability to inspect the storage of materials adjacent to the well head.
- No treated lumber/hazardous materials to be stored within 75 feet of the well head.
- Costs associated with the work to be borne by the Developer.

At a special meeting called several days later, the resolution respecting the lease agreement was brought back for reconsideration as correspondence had been received from Home Hardware advising that they would be postponing their involvement in the development of the Park due to concerns raised related to the well head. As such, the development by Home Hardware of the storage area and improvements did not proceed.

As the developer would no longer be facilitating the above noted works, as a means of implementing protection to the well head area, Staff were directed to make arrangements for the protective measures outlined above; namely, the construction of a protective enclosure and the installation of an asphalt apron, and perimeter drain, secure fencing and signage. Direction was also given to make application for a Well Head Protection Study.

The well head is now protected and a Well Head Protection Plan is in place. Over the years, the Village has undertaken some minor upgrades to the Park by installing a sprinkling system to keep the grass green and plantings to make the Park more welcoming.

During this same time, discussions began to take place respecting options for the enhancement of the downtown core to improve walkability and streetscaping with an aim to develop a more welcoming and attractive downtown commercial area. This resulted in upgrades to Birch Street being undertaken in 2006 and in 2008, and as a result of grant funding being received, the

development of the Downtown Enhancement Strategy began and was completed in 2009 with further work being done in 2010. Based on the Downtown Enhancement Strategy, the Village actively sought grant funding opportunities which resulted in grant applications being made in 2011, 2012, 2015 and finally successfully in 2017.

On March 20, 2018 the Village was awarded \$5.3 million from the Federal Gas Tax Fund for downtown revitalization which includes the rehabilitation of downtown roads and sidewalks, improved stormwater infiltration and reduced runoff, the decommission of a failing asbestos concrete (AC) water main and replacement with a new line; creation of a downtown stormwater system with a focus on green infrastructure and improved pedestrian safety overall.

As a result of receiving the grant funding, work began on the design of the upgrades for the downtown core based on the program as set out in the grant application. Consultation with the downtown business owners raised concerns that the proposed improvements had a negative impact on parking as realignment in some areas would result in the loss of approximately 44 parking stalls overall. Further work took place to address issues raised through the consultation process and this resulted in changes being made that reduced the loss of parking to nine (9) stalls.

Through this process opportunities were sought to reduce the overall loss in parking stalls due to the realignments in the downtown core. As such, Staff introduced the idea of establishing a small public parking lot in the Village owned Fougberg Park. A design was prepared that would see the development of 16 parking stalls in the back portion of the Park, accessed off John Currie Lane, which could be used by visitors, patrons and staff of the various businesses that currently use the Village provided on-street parking (See **APPENDIX A** for full plan). The front of the Park along Frontier Street would be enhanced with landscaping, park and picnic benches with split rail type fencing to separate the parking lot from the adjacent green space and a small trail. The development of the parking lot would not result in the removal of the large cedar trees at the front.

This proposal was presented to representatives from the Pemberton Valley Dyking District and RONA as RONA vocalized that the changes on Prospect Street would impact parking for their staff. Both the RONA and Dyking District representatives indicated their support of establishing a parking lot in this area. Both have offered to assist with the development of the parking lot through the contribution of material and/or funds to facilitate the development of the Lot.

DISCUSSION & COMMENTS

While Fougberg Park as a green space has a benefit to the downtown, as it provides shade, lowers temperatures and creates an area where people can comfortably gather, it is a passive Park that is currently not well functioning or well used. Access to the Park is difficult - the informal parking area in front of Fougberg Park and the lack of an established sidewalk often results in a vehicular barrier that reduces the welcoming and enjoyable nature of this area.

Amenities in the Park include one (1) picnic table, one (1) garbage receptacle, shade trees and seasonal plantings. The Land Use designation in the Official Community Plan Bylaw No. 654, 2011 for this property is 'Downtown' and has been back to 1995. Recently, the land was zoned as Parks and Recreation (PR-1) in the new Zoning Bylaw No. 832, 2018, in recognition of its current use. Previous to this, the land was zoned Town Centre Commercial (C-1). Civic uses such as a parking lot are a permitted use in both the PR-1 and C-1 Zones.

Creating additional parking in this area will benefit local businesses and make up for the loss of parking due to enhancements in the area. However, the Village's emphasis should be on designing a parking lot that not only accommodates vehicle movement, or maximizes the number of lost parking spaces, but also on re-creating the former greenspace to be both pedestrian friendly, safe and better utilized. Urban design and landscaping techniques can create a surface parking lot that is not only efficient, but also attractive and environmentally responsible. Typically, 'greening' a surface parking lot involves planting trees, providing good quality soil and generous landscaped areas, enhancing pedestrian and cycling infrastructure, managing stormwater on-site, reducing the urban heat island effect, and using sustainable materials and technologies.

A new surface parking lot in Fougberg Park would be designed with an attractive landscaped buffer to help soften the edges of the new parking lot thus maintaining the green benefits of this area and helping to improve the public realm. The new parking lot would also address the potential shortfall of parking spaces in the downtown core.

With respect to the well head, the paving of the area next to the fenced well head area with the addition of stormwater management could in fact improve the protection of Well No. 2 and aquifer from potential infiltration as runoff will be directed into the new and improved storm drain system and away from the well head itself. As the protection of the Well is a priority, Vancouver Coastal Health was contacted and they have recommended that prior to construction the Village seek an opinion from a hydrogeologist. .

COMMUNICATIONS

There are no communication considerations at this time.

LEGAL CONSIDERATIONS

This land is owned by the Village of Pemberton and as such the Village is able to develop it as it desires including the establishment of a parking lot.

IMPACT ON BUDGET & STAFFING

As noted above, the Dyking District and RONA have both indicated a willingness to support the development of this parking lot. In this regard, the Dyking District indicated that they would be able to provide assist with material (ie:fill). The RONA, recognizing that they do not currently provide the required off-street parking for their business and that their Staff utilize the on-street parking for both personal and work vehicles, have indicated that they would provide funding for the development of the parking lot.

INTERDEPARTMENTAL IMPACT & APPROVAL

Oversight of the development of the proposed Fougberg Parking Lot would be facilitated in-house by the Public Works Department as a component of the Downtown Enhancement Project. This initiative can be accommodated in the 2019 work plan.

Interdepartmental Approval by:	Nikki Gilmore, Acting Manager of Operations and Development Services
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IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

This initiative has no impact on neighboring jurisdictions.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

POTENTIAL GOVERNANCE CONSIDERATIONS

Development of the Fougberg Parking lot meets with Strategic Priority One: Economic Vitality through the provision of additional public amenities in the Town Centre and Strategic Priority Four: Social Responsibility whereby the Village strives to create a strong and vibrant community.

RECOMMENDATIONS

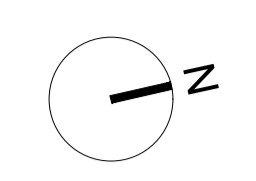
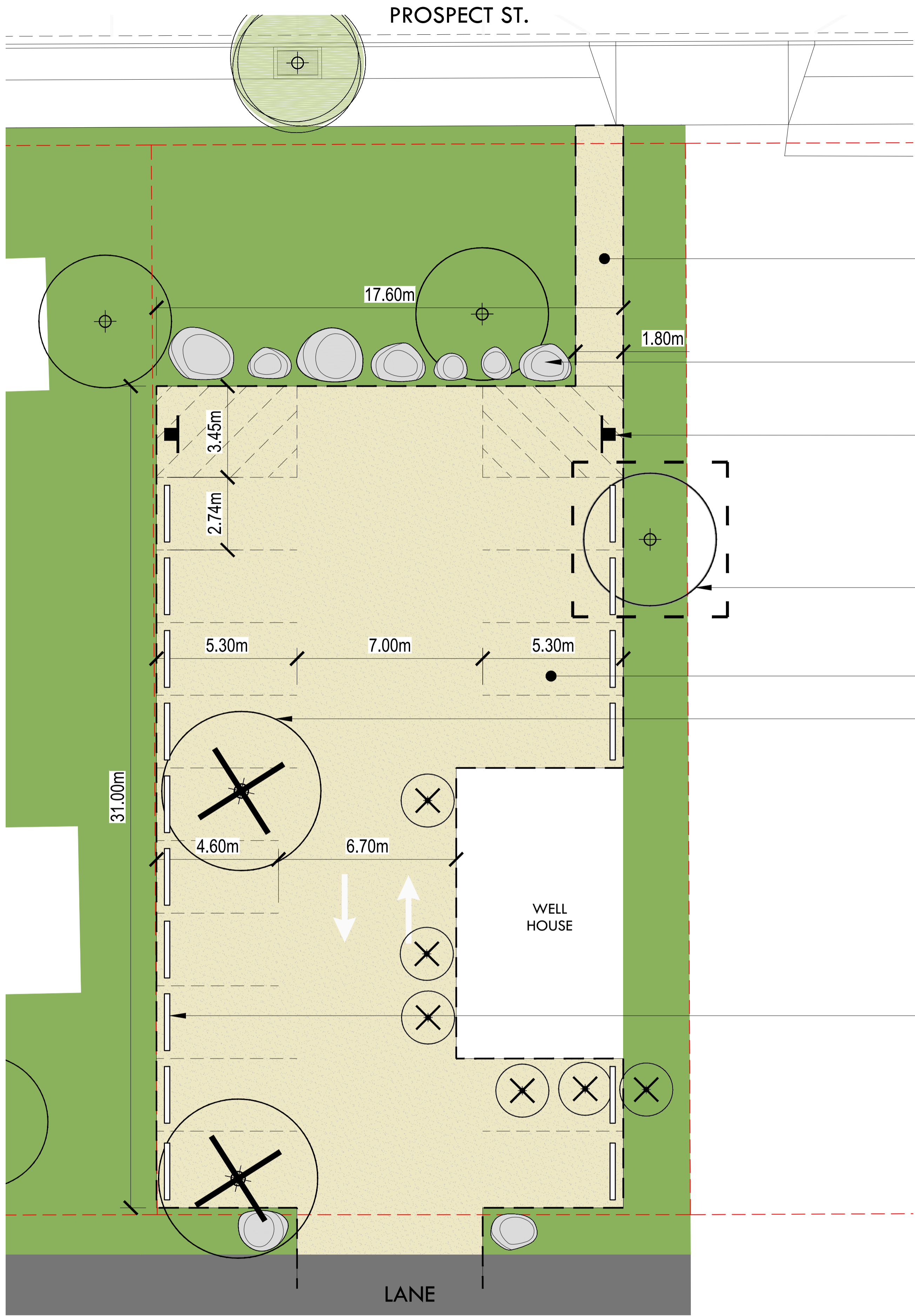
THAT Council directs Staff to proceed with the development of the Fougberg Park Parking Lot in conjunction with Downtown Enhancement Project subject to a positive hydrogeologist report;

AND THAT Staff secure the construction of the Fougberg Park Parking Lot with RONA by way of a formal agreement.

ATTACHMENTS:

Appendix A: Fougberg Parking Lot Design

Prepared by:	Sheena Fraser, Manager, Corporate & Legislative Services Lisa Pedrini, Senior Planner
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer



2 GRVEL SURFACING, TYP.

3 BOULDER PLACEMENT, TYP.

NEW SIGN POST (2)

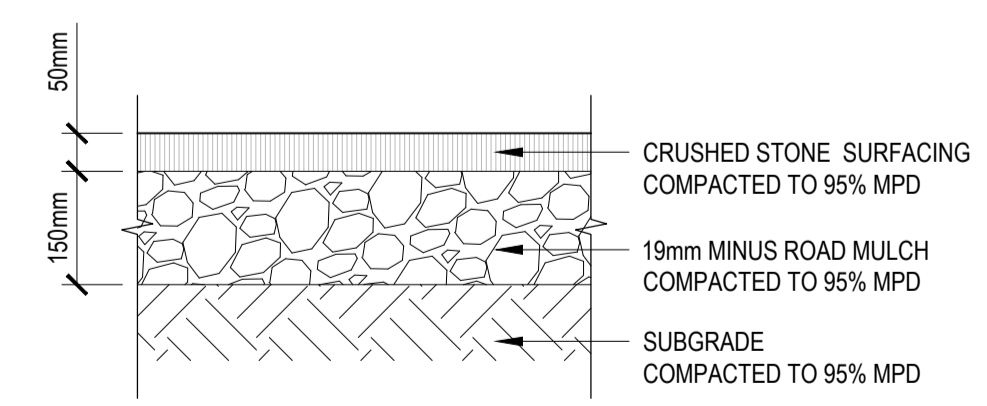


EXISTING TREE TO BE RETAINED, TYP.

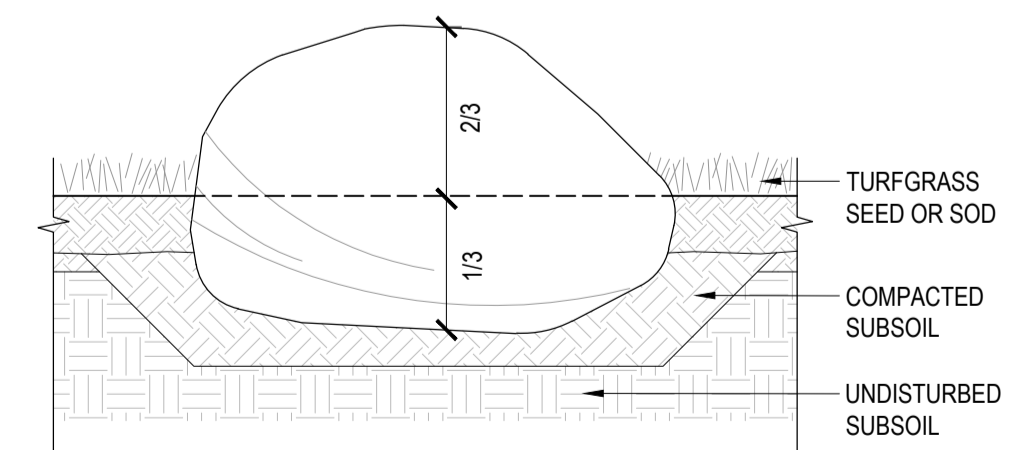
2 GRVEL SURFACING, TYP.

EXISTING TREE TO BE REMOVED, TYP.

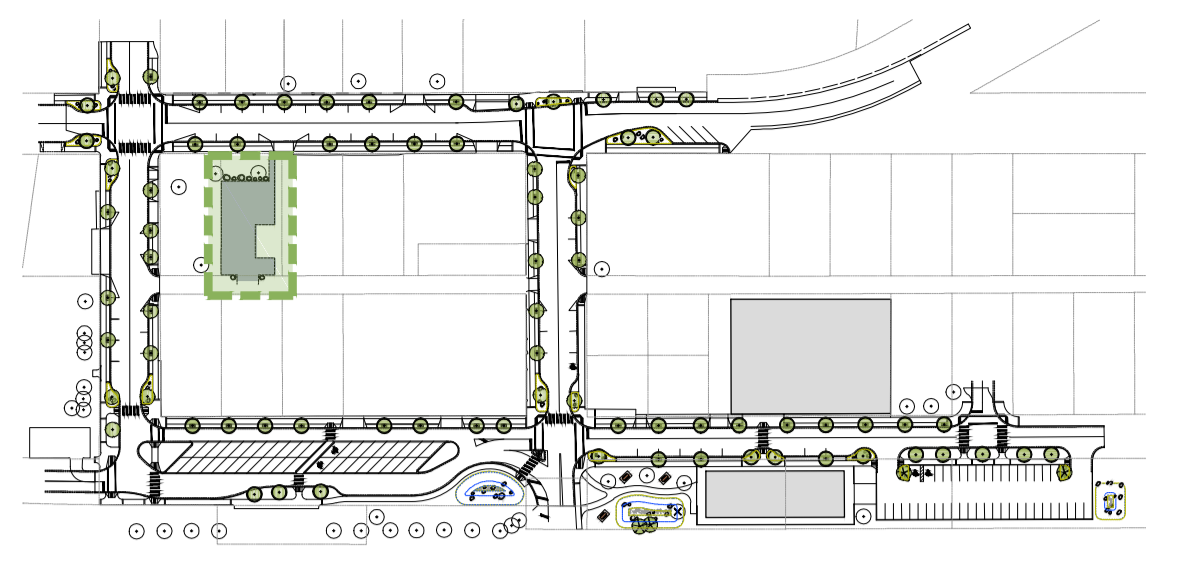
(16) CONCRETE WHEEL STOP, TYP.



2 GRVEL SURFACING SECTION 1:10



3 BOULDER PLACEMENT SECTION 1:20



LOCATION PLAN 1:2500

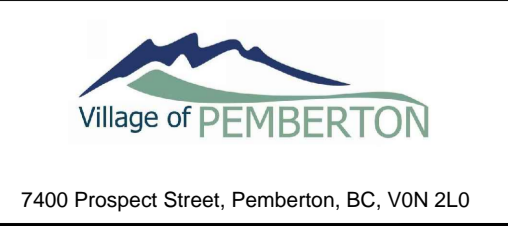
LEGEND

SYMBOL	DESCRIPTION
---	PROPERTY LINE
- - -	LIMIT OF WORK
⊕	EXISTING TREE TO BE RETAINED
⊗	EXISTING TREE TO BE REMOVED
■	LAWN - HYDROSEED
▨	GRAVEL PATH WITH EDGING
■	ASPHALT PAVING, REFER TO CIVIL DWGS
■	NEW SIGNAGE

1 FOUGHBURG PARK - PARKING LOT PLAN 1:100

File: T:\Projects\31000\32025_Vop_Downtown_Enhancement\02_CADD\00_Drafting\200_Xrefs_Global\32025_P-BASE_FOUGHBURG PARK.dwg

REV NO	REVISIONS	DATE	DRAWN	APPRD
1	SCHEMATIC	18/10/12	JO	JG



VOP DT FOUGHBURG PARK
PARKING LOT



SCHEMATIC DESIGN NO.

32025

OF ##

Date: February 5, 2019

To: Nikki Gilmore, Chief Administrative Officer

From: Gwendolyn Kennedy, Legislative Assistant

**Subject: Village of Pemberton Animal Control Bylaw No. 839, 2018 Amendment
Bylaw No. 854, 2019**

PURPOSE

The purpose of this report is to introduce Village of Pemberton Animal Control Bylaw No. 839 Amendment Bylaw No. 854, 2019 (**Appendix A**).

BACKGROUND

On October 2, 2018, the Village adopted Animal Control Bylaw No. 839, 2018 (**Appendix B**). Since then, a review and update of the Impound Service Agreement with Whistler Animals Galore (WAG) has necessitated that Animal Control Bylaw No. 839, 2018 be updated to align with the current service agreement.

DISCUSSION & COMMENTS

The Village has had a service agreement with WAG since 2007. Under this agreement, the Village may access WAG's services when neither the Village nor Pemberton Animal Wellbeing Society (PAWS) are able to accommodate an impounded dog.

Section 6.5 of Pemberton's Animal Control Bylaw No. 839, 2018, specifies that a dog shall remain impounded for a minimum of 72 hours not including the date of impoundment, Sundays or Statutory Holidays. The words "Sundays, or Statutory Holidays" have been removed to align with WAG's current operating hours which have changed since the Impound Agreement was first established..

Subsections 6.5 (a), (b), and (c) were rewritten for clarity. The reference to adoption was removed as this would be the responsibility of WAG.

COMMUNICATIONS

This project does not require a communications element.

LEGAL CONSIDERATIONS

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

IMPACT ON BUDGET & STAFFING

There are no impacts to the budget or staff hours.

INTERDEPARTMENTAL IMPACT & APPROVAL

The bylaw amendment will not impact the operations of any department.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

This bylaw amendment has no impact on the region or neighboring jurisdictions.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

POTENTIAL GOVERNANCE CONSIDERATIONS

A review and update of the Village's Animal Control Bylaw meets with Strategic Priority Three: Excellence in Service, in which the Village is committed to delivering the highest quality level of municipal services within the scope of our resources.

RECOMMENDATIONS

THAT Animal Control Bylaw No. 839, 2018 Amendment Bylaw No. 854, 2019 receive First, Second and Third Readings.

ATTACHMENTS:

Appendix A: Village of Pemberton Animal Control Bylaw No. 839, 2018 Amendment Bylaw No. 854, 2019

Appendix B: Village of Pemberton Animal Control Bylaw No. 839, 2019

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

APPENDIX A

VILLAGE OF PEMBERTON

AMENDMENT BYLAW No. 854, 2019

A Bylaw to amend Village of Pemberton Animal Control Bylaw No. 839, 2018

WHEREAS Section 137 of the *Community Charter* authorizes the Council to, by bylaw, amend or repeal a bylaw.

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

PART 1: CITATION

- 1.1. This Bylaw may be cited as “Village of Pemberton Animal Control Bylaw No. 839, Amendment Bylaw No. 854, 2019”.

PART 2: APPLICATION

- 2.1. Village of Pemberton Animal Control Bylaw No.839, 2018 be amended as follows:

- a) By deleting Section 6.5 and replacing with a new Section 6.5 below:

- 6.5. The *dog* shall remain impounded for a minimum of 72 hours, not including the date of impoundment, unless the *dog* is claimed by its rightful *owner*. If not claimed within that time, the *dog* shall become the property of the *Village*, and;

- a) The *Bylaw Enforcement Officer* may:

- i. arrange for such veterinary care for an injured or ill impounded *dog* as may be necessary to sustain its life; or
- ii. arrange for transfer of ownership of the dog to the pound keeper; and
- iii. The *Village* may recover from the *owner*, the cost of veterinary care provided while the *dog* was impounded, in addition to any other fees due to the *Village* for redemption of the *dog*;

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

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

READ A THIRD TIME this ____ day of _____, 2019

RECONSIDERED AND ADOPTED this ____ day of _____, 2019.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

APPENDIX B
VILLAGE OF PEMBERTON
BYLAW No. 839, 2018

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

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

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

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

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

CITATION

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

DEFINITIONS

In this Bylaw:

Aggressive Dog means:

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

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

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

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

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

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

Control means to exercise restraining or directing influence;

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

Custody means immediate care or charge;

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

Dog means any animal of the canine species;

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

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

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

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

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

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

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

Nuisance Dog means any *dog* that is unreasonably disturbing the peace, quiet, enjoyment or convenience of persons in the neighbourhood by its persistent barking or howling or is *at large* in the neighbourhood;

Outdoor Enclosure means an open-air attachment to and forming part of a *Coop* having a bare earth or vegetated floor for *Backyard Hens* to roam, that has a roof and is enclosed with chicken wire or other fencing materials;

Owner means any person, partnership, association or corporation that owns, possesses or has control, care or custody over an animal;

Person means a natural person;

Person responsible or responsible person means a person who is the owner of the animal; has care, custody or control of the animal; or is keeping or harbouring the animal, provided that where the person is under the age of 19, the parent or guardian of such person is deemed to be the *person responsible*.

Police Officer means a member of the Royal Canadian Mountain Police;

Pound means the facility designated by the *Village*, which is used for the temporary housing and care of *dogs* that have been impounded pursuant to the bylaw;

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

Resident means a person who resides on a permanent or long-term basis on the property for which the *Backyard Hen Keeping Permit* will apply;

Rooster means a male chicken;

Unlicensed Dog means a *dog* for which the licence fee for the current year has not been paid as herein provided, or to which a tag representing payment of the *dog* licence for the current year is not attached;

Village means the Village of Pemberton;

Wildlife means wildlife as defined by the *BC Wildlife Act* and/or other *dogs* indigenous to Canada whose ownership in captivity violates Provincial or Federal Canadian statutes.

Zoning Bylaw means the Village of Pemberton Zoning Bylaw No. 832, 2018 as amended or replaced from time to time.

CONTROL OF DOGS

1. Licencing of Dogs

- 1.1. No person shall keep, own, harbour or be in possession of any *dog* over the age of three (3) months within the *Village* unless such *dog* is licensed as provided by this bylaw.
- 1.2. The *owner* of a *dog* shall obtain an annual licence for such *dog* by paying the fee outlined in Schedule "A".
- 1.3. Every licence and corresponding licence tag issued under this Bylaw:
 - i. expires on the thirty-first (31st) day of December of the year in which it is issued; and
 - ii. is valid only in respect of the *dog* for which it is issued.
- 1.4. Where a licence tag is lost or destroyed, the person to whom the original licence was issued may, by paying the fee prescribed in Schedule A and applying on a form provided by the *Village*, apply to the *Manager* for a replacement licence or tag.
- 1.5. The owner shall ensure that any *dog* taken off of the owner's property shall cause the *dog* to wear around the neck a collar to which shall be attached the current licence tag issued for that *dog* by the *Village*. *Owners* are encouraged to have their *dog* bear permanent identification in the form of a visible veterinary tattoo or identifiable microchip.
- 1.6. An *owner* of a *dog* that is certified under the *Guide Dog and Service Dog Act*, must obtain a licence, but the licence fee is waived for such *dogs*.
- 1.7. A registry of all licensed *dogs* will be kept at the *Village* indicating the dates of registration, the name and description of each *dog*, and the name and address of each owner.
- 1.8. The owner of any licensed *dog* shall, within thirty (30) days of the *owner's* change address, notify the *Village* of such change of address.
- 1.9. Transient *dogs* that have affixed to its collar or harness a valid and subsisting licence tag issued by any jurisdiction outside the *Village* of Pemberton shall not be deemed ownerless but shall be subject to every other provision of this Bylaw.

2. Responsibilities of Owners – Dog Control

- 2.1. An owner shall ensure his or her *dog* does not run *at large* within the *Village*;
- 2.2. An owner shall ensure his or her dog does not enter the school playing fields or any other public space that has signage posted at any time;
- 2.3. Notwithstanding subsection 2.1, a dog is not required to be on a leash while in the designated off-leash area located on the northeast corner of One Mile Lake Park or any other Village designated off-leash area;
- 2.4. If any dog defecates on any public or private property other than the property of its owner, the owner shall remove such feces immediately and dispose of the same in a sanitary manner.
- 2.5. An owner shall ensure his or her dog does not persistently bark or howl or otherwise disturb the peace, quiet and enjoyment of the neighbourhood.
- 2.6. No owner of a dog shall permit his or her dog to:
 - a) chase, bite or attack any person or animal; or
 - b) cause damage to any property.
- 2.7. The owner of any dog that is lawfully not on a leash pursuant to subsection 2.3 shall:
 - a) keep the *dog* under control by verbal command at all times;
 - b) ensure that the *dog* does not cause injury to any person or other animal or damage to any property.
- 2.8. No person shall own more than three (3) dogs unless the person meets the requirements for operating a kennel and has obtained a licence under section 8.
- 2.9. No person shall keep his or her dog in an unsanitary environment.
- 2.10. For the purpose of subsection 2.9, an environment is considered unsanitary when it contains objects that may cause injury to any person or dog or where it contains an accumulation of fecal matter, an odour, insect infestation, rodent attractants, or other conditions which endanger the health of any person or dog, or which disturbs or are likely to disturb the enjoyment, comfort or convenience of any person or dog.

2.11. An owner shall ensure his or her dog does not upset any waste receptacles or scatter the contents thereof either in or about a street, boulevard, sidewalk, lane, or other public property or in or about premises not belonging to or in the possession of the owner of the dog.

2.12. Any dog found on public or private property:

- a) Without a required licence;
- b) Unlawfully at large;
- c) Straying or trespassing on private property;
- d) On unfenced land and not securely tethered or contained;
- e) In violation of health regulations or a bylaw of the *Village*

may be impounded immediately by the *Bylaw Enforcement Officer* or *Police Officer*, and impounded or disposed of in accordance with this Bylaw, and if any such action is taken, the owner must pay for any costs and expenses incurred by the *Village* and any applicable fees.

3. Responsibilities of Owners – Dog Care

3.1. An owner shall ensure his or her dog is provided with:

- a) clean potable drinking water and food of sufficient quantity and quality to allow for healthy growth and the maintenance of healthy body weight;
- b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
- c) the opportunity for regular exercise sufficient to maintain good health, including daily opportunities to be free of a confined area and exercised regularly under appropriate control; and
- d) necessary veterinary care when such *dog* exhibits signs of pain, injury, illness or suffering.

3.2. An *owner* of a *dog* which normally resides outdoors, or which is kept outdoors for extended periods of time, must ensure that the *dog* is provided with an outdoor shelter which:

- a) has a total area that is at least twice the length of the *dog* in all directions and that also allows the *dog* to turn around freely and adopt normal resting postures;
- b) ensures protection from heat, cold and dampness that is appropriate to the weight and type of protective outer coat of such *dog*.

- c) provides sufficient shade to protect the *dog* from the direct rays of the sun at all times; and
 - d) is regularly cleaned and sanitized and removed of excreta daily.
- 3.3. No person may cause a dog to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the dog's neck.
- 3.4. No *person* may cause a *dog* to be hitched, tied or fastened to a fixed object for longer than six (6) hours within a twenty-four (24) hour period.
- 3.5. No *person* may cause a *dog* to be confined in an enclosed space or vehicle, including a car, without adequate ventilation. Such enclosed space or vehicle, if stationary, shall be in an area providing sufficient shade to protect the *dog* from the direct rays of the sun at all times.
- 3.6. No *person* may transport a *dog* in a vehicle outside the passenger compartment or in an uncovered passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.

4. Aggressive Dogs

- 4.1. A Bylaw Enforcement Officer may designate a dog as an aggressive dog for the purposes of this Bylaw, based on his or her own knowledge or observation, a written communication from another Bylaw Enforcement Officer, or a written complaint about the dog that provides reasonable grounds for the designation.
- 4.2. If the Bylaw Enforcement Officer has designated a dog to be an aggressive dog, the Officer will deliver to the owner or other person responsible for the dog, if that person is known, written notice advising that the dog has been so designated. The notice may stipulate measures the person must take to prevent incidents of harm to other animals or to any person. The notice is sufficiently delivered if personally given or left with the person responsible, or mailed to the address of that person or where the dog is known or believed to reside. If mailed, the addressee is deemed to have received the notice six (6) days after the date of mailing.
- 4.3. The *owner* of a dog that has been designated as an aggressive dog may, within ten (10) calendar days of being delivered notice of the designation, request that the Bylaw Enforcement Officer reconsider the designation. The request must be accompanied by written reasons why the owner believes the dog is not an aggressive dog and may include any information that would

support that position. If requested, the Bylaw Enforcement Officer must allow the owner an opportunity to be heard, in person or by telephone or other device, and may arrange for any other person with relevant information to address the matter. If no request for reconsideration is made within ten (10) days of the notice being delivered, the designation is final.

- 4.4. After considering the owner's case, and other relevant information as may be presented, the Bylaw Enforcement Officer may confirm or reverse the aggressive dog designation.
- 4.5. If a dog has been deemed by the Bylaw Enforcement Officer to be an aggressive dog, but the dog has not:
 - a) killed or seriously injured a person;
 - b) killed or seriously injured a domestic animal while in a public place or on property other than property owned or occupied by the person responsible for the dog; or
 - c) been declared a dangerous dog by a court of competent jurisdiction;

the owner may request that Council review the designation of aggressive dog by the Bylaw Enforcement Officer by notifying the Chief Administrative Officer within fourteen (14) days of the date of the Bylaw Enforcement Officer's decision. Such a request must be in writing and include the owner's reasons for the request and any further information related to the matter. If a complete request is not made within fourteen (14) days, or the owner does not appear at a hearing as scheduled by the *Manager*, the decision of the Bylaw Enforcement Officer is deemed to be final.

5. **Nuisance Dogs**

- 5.1. A *person* aggravated or concerned about a *nuisance dog* or other animal causing a nuisance may contact a *Bylaw Enforcement Officer* to deal with the matter.

6. **Impoundment**

- 6.1. Any *person* may deliver to the pound any *dog* found *at large* where no *owner* appears to be present.
- 6.2. Where action is taken under section 6.1 the *dog* shall be considered impounded at the time and placed under the control of the *Bylaw Enforcement Officer*, pound keeper, or a *police officer*.

- 6.3. On receiving a *dog* that has been delivered to the pound, the pound keeper or *Bylaw Enforcement Officer* will:
- a) impound the *dog*; and
 - b) make reasonable efforts to determine the identity of the *owner* and to inform the *owner* that the *dog* has been impounded, whether the *dog* is alive or dead.
- 6.4. Any *dog* impounded will be provided with the basic *dog* care provisions described in Section 3 of this bylaw and with the requirements set out in *A Code of Practice for Canadian Kennel Operations* (Canadian Veterinary Medical Association, 2007).
- 6.5. The *dog* shall remain impounded for a minimum of 72 hours (not including the date of impoundment, Sundays, or Statutory Holidays), unless the *dog* is claimed by its rightful *owner*. If not claimed within that time, the *dog* shall become the property of the *Village* and the *Village* may:
- a) provide such veterinary care for an injured or ill impounded *dog* as may be necessary to sustain its life; and
 - b) recover from the *owner*, the cost of veterinary care provided while the *dog* was impounded, in addition to any other fees due to the *Village* for redemption of the *dog*.
 - c) be adopted for such price as has been established once implanted with a microchip or tattoo, unless the dog is a dangerous dog; or
- 6.6. During the impoundment period, the pound keeper may euthanize, by lethal injection of a barbiturate approved by the British Columbia Veterinary Medical Association, any *dog* deemed to be seriously ill or injured, for humane reasons and in prior consultation with a veterinarian, and if reasonable efforts to contact the *owner* of the *dog* have failed.
- 6.7. During the impoundment period, the pound keeper shall:
- a) provide such veterinary care for an injured or ill impounded *dog* as may be necessary to sustain its life; and
 - b) be entitled to recover from its *owner*, the cost of veterinary care provided while the *dog* was impounded, in addition to any other fees due to the *Village* for redemption of the *dog*.

- 6.8. When a *dog* seized and impounded does not have a permanent form of identification (veterinary tattoo or microchip), the pound keeper shall encourage the *owner* to implant the *dog* with a microchip.
- 6.9. In order to obtain the release of an impounded *dog* during the impoundment period stipulated in subsection 6.5, the *owner* shall:
- a) provide proof of *ownership* of the *dog*;
 - b) licence the *dog* with the *Village*;
 - c) pay to the *Village*:
 - i. any applicable fines as outlined in Schedule “A”;
 - ii. any costs associated with the application of the microchip or tattoo should that be done by the pound;
 - iii. per diem *dog* care and housing fees as identified in Schedule “A”;
 - iv. any costs incurred due to veterinary services rendered during the impoundment period.
- 6.10. Where the *owner* of a *dog* has been determined and all reasonable efforts to contact such *owner* have been made, but such *owner* does not claim the *dog*, they shall be responsible for payment to the *Village* of the fees described in subsection 6.5.

7. Dangerous Dog Licencing

- 7.1. No person shall own or keep any dangerous *dog* unless such *dog* is licensed as a dangerous *dog* with the *Village* by an *owner* who is over the age of eighteen, and who has paid the applicable fee indicated in Schedule A.
- 7.2. In order to obtain such licence, an *owner* of a dangerous *dog* shall supply the following documentation to the *Village*:
- a) written confirmation from a licensed veterinarian that such *dog* has been neutered;
 - b) written confirmation from an approved *dog* trainer that the services of such trainer have been retained for the purpose of providing behavioural remediation to such *dog*;
 - c) written confirmation that the *owner* has obtained a policy of liability insurance specifically covering any damages for injuries caused by such *dog* in an amount not less than five hundred thousand dollars, and covering the twelve-month period during which licensing is sought. This policy shall contain a provision requiring the community to be named as

an additional insured for the sole purpose of the community to be notified by the insurance company of any cancellation, termination or expiration of the policy.

- 7.3. When such *dog* is off the property of the *owner*, the *owner* shall ensure that it is properly fitted with a muzzle and on a leash not longer than one (1) metre and that it is under the control of a responsible person over the age of eighteen.
- 7.4. When such *dog* is on the property of the *owner*, the *owner* shall ensure that it is either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent it from escaping and to prevent the entry of any person not intended to access such *dog*. Such pen or structure shall comply with subsection 3.2 of this bylaw and shall not be within 1.5 metres of the property line or within three (3) metres of a neighbouring dwelling unit.
- 7.5. The *owner* of such *dog* shall display a sign declaring in legible writing and with a recognizable symbol that the *dog* is dangerous at each entrance to the property and building in which such *dog* is kept.
- 7.6. The *owner* of such *dog* shall promptly notify the *Village's Bylaw Enforcement Office* if the *dog* is found to be running *at large*;
- 7.7. If the *owner* of a dangerous *dog* is unwilling or unable to comply with the requirements of this section, said *dog* may be seized and impounded up to twenty-one (21) days and the *Bylaw Enforcement Officer* may apply to the Provincial Court for an order to have the *dog* destroyed by lethal injection of a barbiturate approved by the British Columbia Veterinary Medical Association.

8. Kennels

- 8.1. Four (4) or more *dogs* may not be kept or harboured on any property or residential unit unless a valid and subsisting kennel licence has been issued under this Bylaw.
- 8.2. No *kennel* shall be permitted:
 - a) in a residential zone;
 - b) in any other zone within fifty (50) metres of the parcel boundary of any property other than that occupied by the *owner*.
- 8.3. No *person* shall keep or maintain a *kennel* without first having made application, on a form provided by the *Village*, and having obtained a kennel licence and Business Licence. The application for such kennel licence shall be accompanied by the fee prescribed in Schedule "A".

BACKYARD HEN KEEPING

9. General

- 9.1. A person must not keep *Backyard Hens* except in accordance with this Bylaw, the *Zoning Bylaw* and with a *Backyard Hen Keeping Permit*.
- 9.2. A person who keeps *Backyard Hens* without a permit is subject to a fine as set out in Schedule "B".

10. Permit Application & Fees

- 10.1. A person may apply for a *Backyard Hen Keeping Permit* by submitting an application in writing to the *Manager*, in a form approved by the *Manager*, together with a non-refundable permit fee as set out in Schedule "A".

11. Authority of the Village Manager

- 11.1. Upon receiving a complete application together with payment of applicable fees, the *Manager* may, issue a *Backyard Hen Keeping Permit* and as a condition of the Permit, may impose terms, restrictions and requirements to ensure the use will be compliant.
- 11.2. The *Manager* may suspend, revoke or cancel a *Backyard Hen Keeping Permit* immediately or upon notice if the *Manager* finds the Permit holder has contravened this or another applicable bylaw or regulation, or any term or condition of the Permit.
- 11.3. The *Manager* may impose restrictions and requirements as a condition of restating or reissuing the Permit to remedy the contravention and ensure continuing compliance.

12. General Regulations

- 12.1. A person who keeps *Backyard Hens* must:
 - a) Be a resident of the property where the *Backyard Hens* are kept;
 - b) Hold a valid *Backyard Hen Keeping Permit*;
 - c) Keep no more than five (5) *Backyard Hens* on any parcel of land despite the number of permissible dwelling units on that parcel;
 - d) Not keep a rooster;

- e) Provide each *Backyard Hen* with food, water, shelter, light, ventilation, veterinary care and opportunities for essential behaviours such as scratching, dust-bathing and roosting, all sufficient to maintain the *Backyard Hen* in good health;
- f) Keep a food container and water container in each *Coop*;
- g) Ensure that all *Backyard Hens* are kept within a secure *Coop* from sunset to 7:00 a.m.;
- h) Ensure that each *Backyard Hen* remains at all times in a *Coop* or *Outdoor Enclosure*;
- i) Not keep a *Backyard Hen* in a cage;
- j) Remove leftover feed, trach and manure in a timely manner;
- k) Store manure within a fully enclosed structure and store no more than 0.8 cubic metres at one time;
- l) Remove all manure not used for composting or fertilizing;
- m) Not deposit manure in the *Village's* sewage or storm drain system;
- n) Follow the Canadian Food Inspection Agency *National Biosecurity Standards and Biosecurity Principles*;
- o) Keep a *Backyard Hen* for personal use only and not sell eggs, manure, meat or other products derived from the *Backyard Hens*;
- p) Not slaughter or attempt to euthanize a *Backyard Hen* on the property;
- q) Not dispose of a *Backyard Hen* except by delivering it to a farm, abattoir or a veterinarian, mobile slaughter unit or other facility that has the ability to dispose of a *Backyard Hen* lawfully;

13. Coops and Outdoor Enclosures

13.1. A person who keeps *Backyard Hens* must:

- a) provide a *Coop* and *Outdoor Enclosure* providing each *Backyard Hen* with a minimum of 0.4m² coop floor area and 0.92m² area of enclosed outdoor run space per *Backyard Hen*;

- b) provide each *Backyard Hen* with its own nesting box and perch that is at least fifteen (15) centimetres long;
- c) ensure that the *Coop* and *Outdoor Enclosure* is situated in accordance with the *Zoning Bylaw*; ensure that the *coop* and *outdoor enclosure* is a minimum of three (3) m from any dwelling window or door;
- d) secure the *Coop* and *Outdoor Enclosure* with electric fencing;
- e) maintain each *Coop* and *Outdoor Enclosure* in good repair and sanitary condition and free from vermin and obnoxious smells and substances;
- f) construct and maintain each *Coop* and *Outdoor Enclosure* to prevent any rodent from harbouring underneath or within it or within its walls and to prevent entrance from any other wildlife.

14. Limit to Number of Flocks

- 14.1. The Village of Pemberton reserves the right to limit the number of backyard flocks permitted in the Village and in each neighborhood or block.

PROHIBITED ANIMALS

15. Except as provided in subsection 16 of this bylaw, no person shall:

- 15.1. breed;
- 15.2. possess;
- 15.3. exhibit for entertainment or educational purposes, or
- 15.4. display in public either on a temporary basis or permanent basis,
any prohibited animal listed in Schedule "C".

16. Subsection 15 does not apply to:

- 16.1. The premises of a local government facility used for keeping impounded animals;
- 16.2. The premises of any police department;
- 16.3. Premises operated by the British Columbia Society for the Prevention of Cruelty to Animals;

- 16.4. The premises of a veterinarian licensed by the British Columbia Veterinary Medical Association, providing the veterinarian is providing temporary care for a prohibited animal;
- 16.5. Premises that keep prohibited animals for which a valid permit and/or license is in place pursuant to the *Wildlife Act* or *Fur Farm Act*;
- 16.6. Premises that keep animals for educational and research purposes, which are accredited by the Canadian Council for Animal Care;
- 16.7. Premises of an aquarium or zoological park, which is accredited by the Canadian Association of Zoological Parks and Aquaria.

ENFORCEMENT

17. This Bylaw may be enforced by the *Manager*, a *Police Officer* or a *Bylaw Enforcement Officer*.

ENTERING LAND TO CARRY OUT AN ORDER

19. The *Manager*, a *Police Officer*, or a *Bylaw Enforcement Officer* acting under the direction of the *Manager*, may enter at all reasonable times into or upon any lands or premises to ascertain whether the provisions of this Bylaw are being met.
20. A person must not prevent or obstruct the *Manager*, a *Police Officer*, or a *Bylaw Enforcement Officer* from carrying out any inspections or performing other functions under this bylaw.

FINES

20. Any *person* who commits an offence against this Bylaw is subject to a fine as outlined in Schedule "B" attached.

OFFENCES AND PENALTIES

21. Any *person* who:
 - 21.1. violates or contravenes any provision of this Bylaw;
 - 21.2. causes or allows any act or thing to be done in contravention or violation of any provision of this Bylaw;
 - 21.3. fails or neglects to do, or refrains from doing, any act or thing which is required to be done by any provision of this Bylaw;

21.4. fails to comply with an order, direction or notice given under this Bylaw;

commits an offence and contravention and for each day that the offence continues amounts to a separate and distinct offence.

22. A *person* convicted of an offence or found guilty of a contravention under this bylaw is liable:

22.1. If proceedings are brought under the *Offence Act*, to pay a fine to a maximum of \$10,000 and such other amounts as the court may impose in relation to the offence;

22.2. If a ticket is issued under the Municipal Ticket Information Utilization Bylaw No. 800, 2016 as amended or replaced from time to time, to pay a fine to a maximum of \$1,000;

22.3. If a bylaw notice is issued under a bylaw made under the *Local Government Bylaw Notice Enforcement Act*, to pay a penalty to a maximum authorized under that *Act*

COST RECOVERY

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

SCHEDULES

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

Schedule "A" – Fees

Schedule "B" – Fines

Schedule "C" – List Prohibited Animals

SEVERABILITY

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

REPEALED BYLAWS

Village of Pemberton Animal Control Bylaw No. 651, 2010 is hereby repealed.

Village of Pemberton Animal Control Amendment Bylaw No. 779, 2015 is hereby repealed.

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

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

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

ADOPTED this 2nd day of October, 2018.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Schedule A – LICENSE FEES

LICENSE FEES (New and Renewals): Section 1

Dog License Fees (Before January 31st):

UNNEUTERED MALE:	\$ 65.00
UNSPAYED FEMALE:	\$ 65.00
NEUTERED:	\$ 25.00
SPAYED:	\$ 25.00
UNDER 3 MONTHS:	\$ 15.00
REPLACEMENT TAG:	\$ 10.00

Dog License Fees (After January 31st)

UNNEUTERED MALE:	\$ 85.00
UNSPAYED FEMALE:	\$ 85.00
NEUTERED:	\$ 40.00
SPAYED:	\$ 40.00

IMPOUND FEES: Section 6

FIRST OFFENCE (UNLICENSED):	\$ 75.00
FIRST OFFENCE (LICENSE):	\$ 30.00
SECOND OFFENCE:	\$ 100.00
THIRD OFFENCE:	\$ 150.00
FOURTH AND SUBSEQUENT OFFENCES:	\$ 300.00
MAINTENANCE FEE PER DAY:	\$ 25.00

DANGEROUS DOG LICENSE FEE: Section 3.7.1

DANGEROUS DOG	\$100.00
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KENNEL LICENSE FEE: Section 3.8.3

KENNEL PERMIT FEE:	\$ 100.00
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BACKYARD HEN KEEPING PERMIT : Section 4.2

NON-REFUNDABLE PERMIT FEE:	\$25.00
SUBSEQUENT INSPECTION FEE:	\$25.00/PER INSPECTION

Schedule B - FINES

Control of Dogs

Bylaw Section	First Offence	Second Offence	Third Offence	Fourth & Subsequent Offences
Section 1.1 Licensing of Dogs (Unlicensed Dogs)	\$75	\$100	\$150	\$300
Section 2 Responsibility of Owners – Dog Control	\$50	\$75	\$100	\$150

Backyard Hen Keeping

Bylaw Section	First Offence	Second Offence	Third Offence	Fourth & Subsequent Offences
Section 9.2 Backyard Hen Keeping without a Permit	\$50	\$75	\$100	\$150
Section 12 General Regulations – Backyard Hen Keeping	\$50	\$75	\$100	\$150

Schedule C – LIST OF PROHIBITED ANIMALS

- all nonhuman primates
- all felidae, except the domestic cat
- all canidae, except the domestic dog
- all ursidae (bears) - all proboscidea (elephants)
- all pinnipedia (seals, walrus)
- all marsupials
- all edentates (anteaters)
- all xenartha (such as sloths, armadillos, and tamanduas)
- all monotremata (spiny anteater and platypus)
- all venomous or poisonous reptiles and amphibians
- all reptiles and amphibians over 2ft adult size
- all venomous or poisonous invertebrates (such as black widow spiders, tarantulas, and blue-ringed octopus)
- all ungulates, except the bison and the domestic breeds of cow, goat, sheep, pig, horse, mule, donkey, ass, llama, and alpaca - all hyenidae (hyenas)
- all hyracoidean (hyraxes)
- all erinaceidae (tenrecs and hedgehogs)
- all mustelidae (skunks, weasels, otters, wild ferrets), except the domestic ferret - all procyonidae (raccoons, coatimundis)
- all viverridae (civets and genets)
- all herpestidae (mongooses)
 - all cetacea (whales, porpoises, dolphins)
- all rodentia, except the hamster, gerbil, guinea pig, domestic mouse, and domestic rat

Animal Control Bylaw No. 839, 2018

- all chiroptera (bats), colugos (flying lemurs), and scandentia (treeshrews)
- all lagomorphs (rabbits and hare), except the domestic rabbit
- all birds except the domestic quail, pheasant, pigeon, chicken, duck, goose and turkey, plus the budgie, cockatiel, lovebird, finch, and canary
- all saltwater fish

Date: February 5, 2019

To: Nikki Gilmore, Chief Administrative Officer

From: Gwendolyn Kennedy, Legislative Assistant

Subject: Village of Pemberton Business Licence Bylaw No. 855, 2019

PURPOSE

The purpose of this report is to present the Village of Pemberton Business Licence Bylaw No. 855, 2019, that updates and replaces Business Licence Bylaw No. 842, 2018 with the addition of business licence regulations and fees related to cannabis retail and production businesses as well as several housekeeping updates. (**Appendix A**).

BACKGROUND

On October 2, 2018, Council approved Non-Medical (Recreational) Cannabis Retail Policy DEV-011. 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 businesses there is a need to 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.

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

For clarity, due to the housekeeping amendments being brought forward in conjunction with the cannabis licensing additions, a new bylaw is being presented rather than an amending bylaw.

At Committee of the Whole Meeting No. 185, held Tuesday, January 22, the Committee considered the draft Business Licence Bylaw. The report and appendices are attached as **Appendix B**.

The Committee supported the housekeeping amendments and discussed fees for cannabis related business licences and the following resolution was passed:

Moved/Seconded

THAT the draft bylaw be referred back to Staff to amend Schedule A to set the following annual business licence fees:

- Cannabis production businesses, standard: \$5,000
- Cannabis production business, micro: \$2,500

- *Cannabis retail:* \$5,000

AND THAT the bylaw be brought forward for First, Second and Third Readings at the next Regular Council Meeting scheduled for February 5, 2018.

CARRIED

DISCUSSION & COMMENTS

Business Licence & Application Fees:

Policy DEV-011 stipulates that a business licence fee of not less than \$1,500.00 be established for cannabis retail businesses but does not provide further guidance. The Committee considered the licence and application fees charged by other local governments. Discussion focused on the justification for setting fees higher than for other business types, noting that, as these are new business types and actual costs are still unknown, the fees should be set high enough to ensure cost recovery, with the intention of reviewing fees once costs can be determined.

The Committee supported the annual licence fees and a non-refundable application fee of \$1,000 for cannabis retail businesses, as shown in Table 3.

Table 3. Committee of the Whole Recommendations for Business Licence Fees - Cannabis Retail and Cannabis Production Businesses

Business Licence Type	Application Processing Fee	Annual Licence Fee
Cannabis Retail	\$1,000.00	\$5,000.00
Cannabis Production - Standard Cultivation and/or Standard Production	NA	\$5,000.00
Cannabis Production – Micro-Cultivation and/or Micro-Production	NA	\$2,500.00

Housekeeping Amendments

The Committee supported the housekeeping amendments as presented in the draft bylaw, and these have been included in the new Business Licence Bylaw. The change of wording of sub - section 21.3 (a) (i), the removal of Part 27, and the addition of wording to clarify enforcement of the schedules are changes made since the Committee of the Whole Meeting No. 185 and do not alter the intent of the Bylaw. The housekeeping changes are as follows:

Section 2.1, Definitions:

- Cannabis, Cannabis Production and Cannabis Retail were added
- the definition of Farmers’ Market was updated to better reflect the intent of this form of operation.

Section 10.3

- added to establish reduced business licence fees for new business licence applicants applying between October 31st and December 31st.

Section 10.4

- added to establish a non-refundable application processing fee to be applied to cannabis retail business licence applications.

Sub-section 21.3 (a) (i)

- require *proof* of ownership was changed to *confirmation* of ownership to permit Village Staff to verify ownership through the Village of Pemberton property tax roll as may be required.

Sub-section 21.3 (a) (v)

- requirement for short-term vacation rental licence applicants to provide proof of insurance was removed.
- applicants will acknowledge on the application form that insurance coverage is their responsibility.

Part 24, Penalties:

- 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, MTIU and BNEB.

Part 27, Schedules

- removed as the section is redundant (the same information was included in Part 31, now Part 30)
- numbering of subsequent sections was adjusted to reflect the removal of this section.

Section 30.3

- wording was added to note that attached schedules are enforceable in the same manner as the Bylaw.

Schedule 'A', FEES:

- an error in the cost of renewal of a Temporary/Portable Vendor Business Licence was corrected.
- business licence fees were clarified by business type.
- a \$25 administration fee was added to the schedule to reflect the language set out in the relevant section.

Schedule 'B', FINES

- amended to include fines applicable to the new cannabis production and cannabis retail business licences.

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 new Business Licence 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 Business Licence Bylaw No. 855, 2019 receive First, Second and Third Reading.

ATTACHMENTS:

Appendix A: Village of Pemberton Business Licence Bylaw No. 855, 2019

Appendix B: Report to Committee of the Whole dated January 22, 2019

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

VILLAGE OF PEMBERTON

BYLAW No. 855, 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

1.1. This bylaw may be cited for all purposes as the “Village of Pemberton Business Licence Bylaw No. 855, 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.

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".
- 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.

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. confirmation 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.
- 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

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.
 - 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

- 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*.

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: SEVERABILITY

27.1. 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 28: MASCULINE/SINGULAR

28.1. 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 29: BYLAW SHALL PREVAIL

29.1. 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 30: REPEAL AND SCHEDULE

30.1. The following bylaw is hereby repealed:

Village of Pemberton Business Licence Bylaw No. 842, 2018

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

30.3. Schedules 'A', 'B' and 'C' are attached to and form part of this bylaw and are enforceable in the same manner as 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'

FEES

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)	\$5,000.00
Cannabis Production Facility – Micro (22)	\$2,500.00
Cannabis Retail (23)	\$5,000.00
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 Business Licence Applications \$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

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

- 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.

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

~~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.

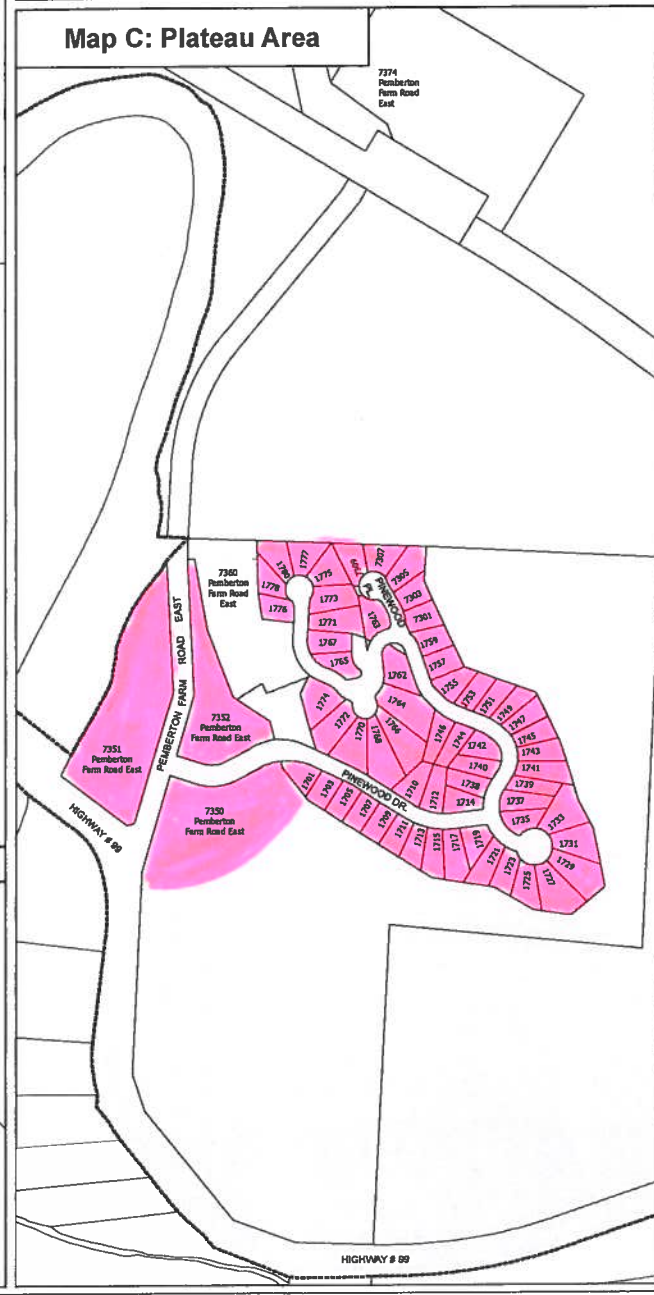
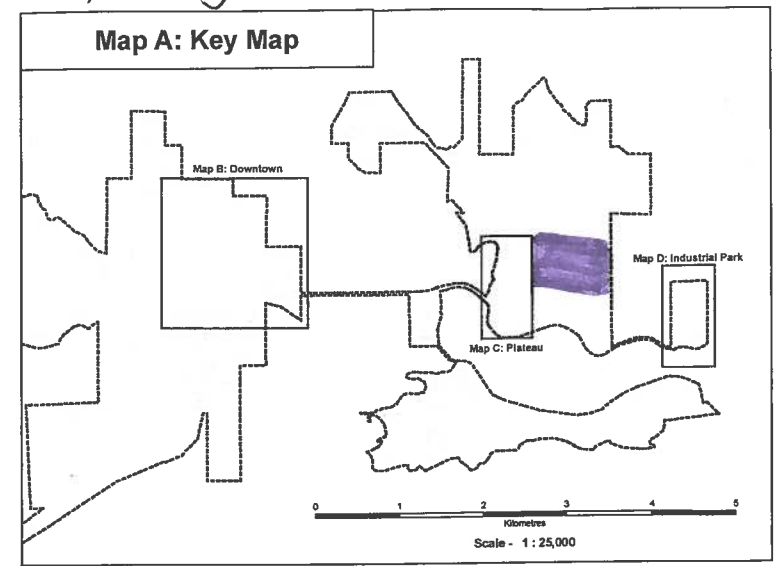
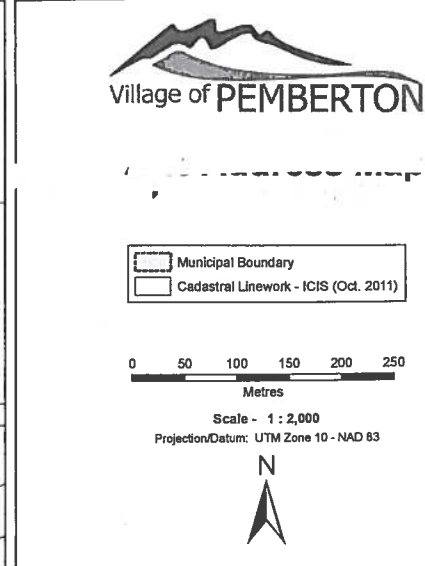
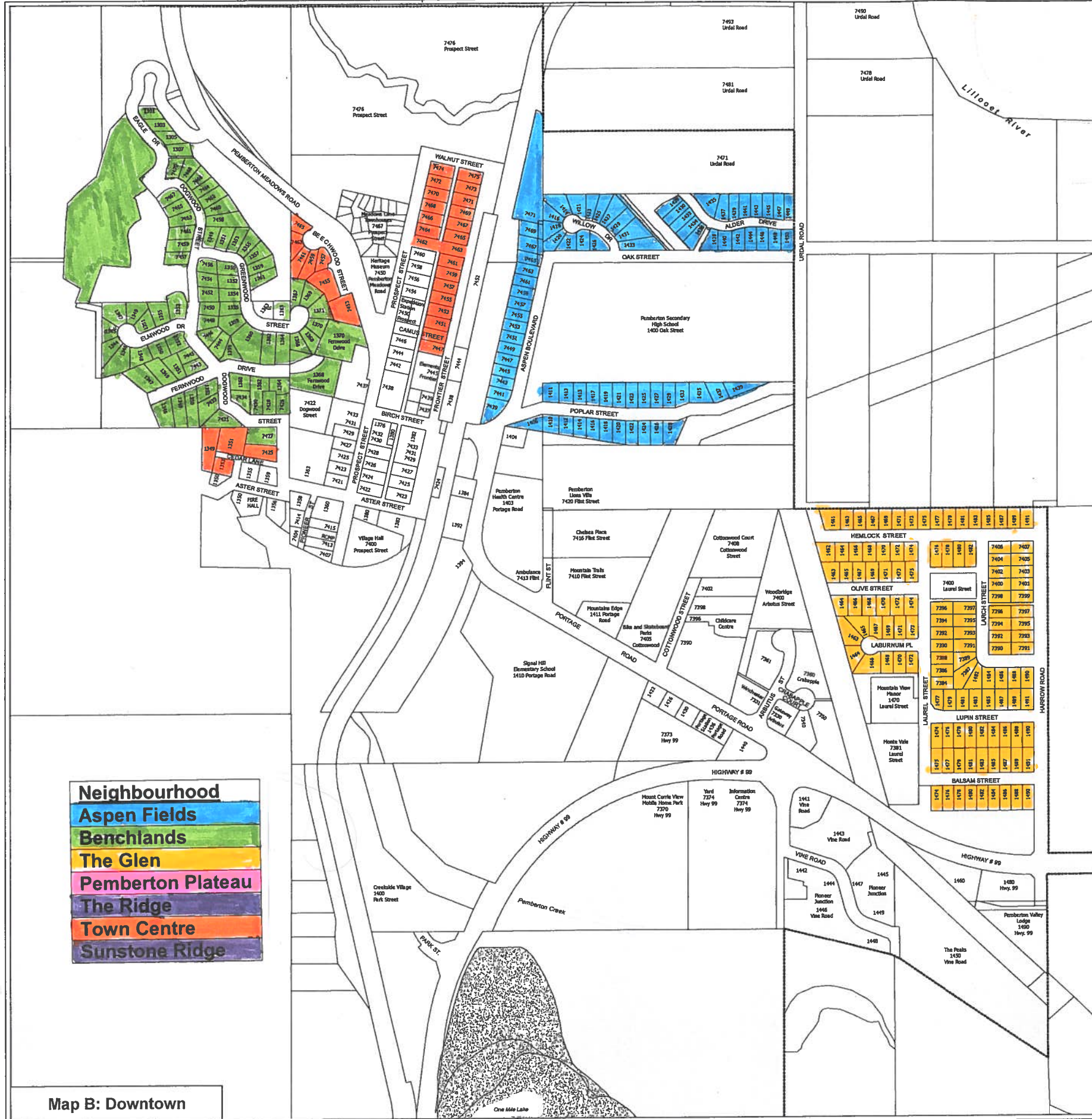
SCHEDULE 'B'

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



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

Map B: Downtown

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.

Date: February 5, 2019

To: Nikki Gilmore, Chief Administrative Officer

From: Gwendolyn Kennedy, Legislative Assistant

Subject: Village of Pemberton Municipal Ticket Information Utilization Amendment (Smoking Regulation/Business Licence) Bylaw No. 856, 2019

PURPOSE

The purpose of this report is to introduce Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, 2018, Amendment (Smoking Regulation/Business Licence) Bylaw No. 856, 2019 (**Appendix A**).

BACKGROUND

In 2004, pursuant to Section 264 of the *Community Charter*, the Village implemented a Municipal Ticket Information Utilization Bylaw (MTIU) as a means of enabling the Bylaw Enforcement Officer or other members of the Village Staff, as appropriate, the ability to issue tickets for bylaw infractions or offences for certain bylaws. The MITU Bylaw also allows the RCMP to issue tickets for infractions related to certain Village bylaws as listed in the Schedules of the Bylaw.

In the fall, 2018, as a result of the introduction of two new regulatory Bylaws (Public Nuisance Abatement Bylaw No. 838, 2018 and Cross Connection Control Bylaw No. 844, 2018) and updates to several existing regulatory bylaws (ie: Animal Control Bylaw and the Parking & Traffic Control Bylaw) a new MTIU Bylaw was brought forward.

The Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, 2018 was adopted on October 16, 2018. Since then, Smoking Regulation Bylaw No. 848, 2018 was adopted on December 11, 2018, and the new Business Licence Bylaw No. 855, 2019 will be receiving First, Second and Third Readings at the Regular Council Meeting at 5:30 p.m. this evening, February 5, 2019. With these changes it is now necessary to amend Municipal Ticket Information Utilization Bylaw No. 845, 2018 to reference the new Smoking Regulation and Business Licence Bylaws.

DISCUSSION & COMMENTS

The amendments presented update references to the two new bylaws and are noted below:

Schedule 1, which lists the bylaws to which the Municipal Ticket Information Utilization Bylaw applies and specifies the designated Bylaw Enforcement Officers for each of these bylaws, is deleted and replaced with a new Schedule 1 referencing the new Bylaws. No changes were made to the designated Bylaw Enforcement Officers or to any other bylaw references of this schedule.

Schedule 12, which lists offenses and penalties applicable under the Business Licence Bylaw, is deleted and replaced with a new Schedule 12 which reflects the offenses and penalties applicable under the new Business Licence Bylaw No. 855, 2019.

Schedule 13, which lists offenses and penalties applicable under the Smoking Regulation Bylaw, is deleted and replaced with a new Schedule 13 which reflects the offenses and penalties applicable under the new Smoking Regulation Bylaw No. 848, 2018.

COMMUNICATIONS

There are no communications considerations at this time.

LEGAL CONSIDERATIONS

There are no legal considerations.

IMPACT ON BUDGET & STAFFING

This project has been completed in house and has no impact on budget or staffing.

INTERDEPARTMENTAL IMPACT & APPROVAL

This bylaw amendment has no impact on other departments.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

This bylaw amendment has no impact on other jurisdictions.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

POTENTIAL GOVERNANCE CONSIDERATIONS

Consideration of this matter is in alignment with Strategic Priority Two: Good Governance, whereby the Village is committed to being an open, honest and accountable government, and fiscal responsibility.

RECOMMENDATIONS

THAT Municipal Ticket Information Utilization Bylaw No. 845, 2018 Amendment Bylaw No. 856, 2019 receive First, Second and Third Readings.

ATTACHMENTS:

Appendix A: Municipal Ticket Information Utilization Bylaw No. 845, 2018 Amendment
(Smoking Regulation/Business Licence) Bylaw No. 856, 2019

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

APPENDIX A

VILLAGE OF PEMBERTON

MUNICIPAL TICKET INFORMATION UTILIZATION AMENDMENT BYLAW No. 856, 2019

A Bylaw to amend Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, 2018

WHEREAS Section 137 of the *Community Charter* authorizes the Council to, by bylaw, amend or repeal a bylaw.

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

1. CITATION

This Bylaw may be cited as “Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, Amendment (Smoking Regulation/Business Licence) Bylaw No. 856, 2018”.

2. APPLICATION

2.1 Village of Pemberton Municipal Ticket Information Utilization Bylaw No. 845, 2018 be amended as follows:

2.1.1 By deleting Schedule 1 and replacing it with an amended Schedule 1 referencing Smoking Regulation Bylaw No. 848, 2018 and Business Licence Bylaw No. 855, 2019.

2.1.2 By deleting Schedule 12 and replacing it with an amended Schedule 12 referencing Business Licence Bylaw No. 855, 2019.

2.1.3 By deleting Schedule 13 and replacing it with an amended Schedule 13 referencing Smoking Regulation Bylaw No. 848, 2018.

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

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

READ A THIRD TIME this ____ day of _____, 2019

RECONSIDERED AND ADOPTED this ____ day of _____, 2019.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

SCHEDULE 1

In Column 2 of this Schedule, "Bylaw Enforcement Officer" means an officer appointed by the Chief Administrative Officer; other positions have the same meaning as defined in the corresponding designated bylaw identified in Column 1.

DESIGNATED BYLAW

DESIGNATED BYLAW ENFORCEMENT OFFICERS

Unsightly Premises Bylaw No. 476, 2002	Authorized Person Bylaw Enforcement Officer
Wildlife Attractant Bylaw No. 684, 2011	Bylaw Enforcement Officer RCMP Conservation Officer
Noise Regulation Bylaw No. 699, 2012	Authorized Person Bylaw Enforcement Officer RCMP
Boulevard Maintenance Bylaw No. 713, 2012	Village Official Bylaw Enforcement Officer
Blasting Bylaw No. 714, 2012	Building Official Bylaw Enforcement Officer
Fire Prevention Bylaw No. 744, 2013	Fire Chief Inspector Bylaw Enforcement Officer RCMP
Outdoor Water Use Regulation Bylaw No. 792, 2015	Village Official Bylaw Enforcement Officer
Public Nuisance Abatement Bylaw No. 838, 2018	Bylaw Enforcement Officer RCMP
Animal Control Bylaw No. 839, 2018	Bylaw Enforcement Officer RCMP Conservation Officer
Parking and Traffic Control Bylaw No. 840, 2018	Manager Bylaw Enforcement Officer Fire Chief RCMP

Business Licence Bylaw No. 855, 2019

Licence Inspector
Bylaw Enforcement Officer

Smoking Regulations Bylaw No.848, 2018

Bylaw Enforcement Officer
RCMP

Cross Connection Control
Bylaw No. 844, 2018

Bylaw Enforcement Officer
Village Official
Manager
Water Operator
Building Official

SCHEDULE 12

BUSINESS LICENCE BYLAW No. 855, 2019

OFFENCE	SECTION	FINE	REDUCED FINE – if paid within 30 days
Resident Business without Business Licence	6.2		
First Offence		\$ 75	Not Applicable
Second Offence (1 week after 1 st offence)		\$150	Not Applicable
3 rd Offence (1 week after 2 nd offence)		\$300	Not Applicable
Subsequent Offences		\$450	Not Applicable
Non-Resident Business without Business Licence	6.3		
First Offence		\$ 75	Not Applicable
Second Offence (1 week after 1 st offence)		\$150	Not Applicable
3 rd Offence (1 week after 2 nd offence)		\$300	Not Applicable
Subsequent Offences		\$450	Not Applicable
Failure to Provide Access	7.1	\$150	\$125
Failure to Display Valid Licence	11.2		
First Offence		\$ 75	\$50
Second Offence (1 week after 1 st offence)		\$150	Not Applicable
3 rd Offence (1 week after 2 nd offence)		\$300	Not Applicable
Subsequent Offences		\$450	Not Applicable
Carrying on Business while Suspended	13.5		
First Offence		\$150	Not Applicable
Second Offence (1 week after 1 st offence)		\$300	Not Applicable
3 rd Offence (1 week after 2 nd offence)		\$450	Not Applicable
Mobile Vendor without Business Licence	14.4 (d)		
First Offence		\$300	Not Applicable
Second and Subsequent Offences		\$450	Not Applicable
Short-Term Vacation Rental Advertising without a Business Licence	21.1(b)	\$600	Not Applicable
Short-Term Vacation Rental failure to display business licence number in advertisements	21.1(c)	\$ 75	Not Applicable
Cannabis Production Facility operating without a Business Licence	22.1	\$600	Not Applicable

Cannabis Production Facility operating without required security/safety measures, per offense	22.4	\$ 75	Not Applicable
Cannabis Retail operating without a Business Licence	23.1	\$600	Not Applicable
Cannabis Retail Business operating outside the hours of 9:00 a.m. to 9:00 p.m.	23.4 (a)	\$ 75	Not Applicable
Cannabis Retail Business operating without required safety/security measures, per offense	23.4 (b)	\$ 75	Not Applicable

SCHEDULE 13

SMOKING REGULATION BYLAW No. 848, 2018

OFFENCE	SECTION	FINE	REDUCED FINE - if paid within 30 days
Areas of Smoking Prohibition (Responsible Person)	3.1	\$200	\$100
Areas of Smoking Prohibition (Personal)	3.2	\$100	\$50
Sign Requirements	4.1	\$100	\$50
Remove or deface Sign	4.2	\$100	\$50
Interfere with or Obstruct Enforcement Officer	6.1	\$300	\$200

VILLAGE OF PEMBERTON

BYLAW No. 850, 2019

Permissive Tax Exemption for the Pemberton Childcare Society

A Bylaw to Provide for a Permissive Tax Exemption for the Pemberton Childcare Society

WHEREAS pursuant to Section 224 (2) (a) of the *Community Charter*, the Council may, by bylaw exempt certain land, improvements or both from taxation;

AND WHEREAS it is deemed advisable to enact a new bylaw granting exemption to the Pemberton Childcare Society;

NOW THEREFORE the Council of the Village of Pemberton in open meeting assembled enacts as follows:

1. The land hereinafter described and the improvements thereon which are set apart and in use for not for profit activities, are hereby exempt from taxation under Section 224 (2) (a) of the *Community Charter* for ten (10) year period from 2019 – 2028:

(a) Lot B, KAP 84778, District Lot 203, Lillooet Land District
PID 027-219-313

2. This Bylaw may be cited for all purposes as the “Village of Pemberton Tax Exemption (Pemberton Childcare Society) Bylaw No. 850, 2019.”
1. This Bylaw repeals Village of Tax Exemption (Pemberton Childcare Society) Bylaw No. 834, 2018.

NOTICE OF INTENTION TO PROVIDE a Permissive Tax Exemption to the Pemberton Childcare Society was **PUBLISHED IN** the Pique Newsmagazine on January 10, 2019 and January 17, 2019.

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

VILLAGE OF PEMBERTON

BYLAW No. 851, 2019

Permissive Tax Exemption for the Pemberton Lions Activities Society

A Bylaw to Provide for a Permissive Tax Exemption for the Pemberton Lions Activities Society

WHEREAS pursuant to Section 224 (2) (a) of the *Community Charter*, the Council may, by bylaw exempt certain land, improvements or both from taxation;

AND WHEREAS it is deemed advisable to enact a new bylaw granting exemption to the Pemberton Lion's Society;

NOW THEREFORE the Council of the Village of Pemberton in open meeting assembled enacts as follows:

1. The land hereinafter described and the improvements thereon which are set apart and in use for not for profit activities, are hereby exempt from taxation under Section 224 (2) (a) of the *Community Charter* for a ten (10) year period from 2019 – 2028:

(a) Lot 25, Plan 883, District Lot 165, Lillooet Land District
PID 004-765-923

2. This Bylaw may be cited for all purposes as the "Village of Pemberton Tax Exemption (Pemberton Lions Activities Society) Bylaw No. 851, 2019."
1. This Bylaw repeals Village of Pemberton Tax Exemption (Pemberton Lions Activities Society) Bylaw No. 835, 2018.

NOTICE OF INTENTION TO PROVIDE a Permissive Tax Exemption to the Pemberton Lions Activities Society was **PUBLISHED IN** the Pique Newsmagazine on January 10, 2019 and January 17, 2019.

READ A FIRST TIME this 22nd day of January, 2019.

READ A SECOND TIME this 22nd day of January, 2019.

READ A THIRD TIME this this 22nd day of January, 2019.

ADOPTED this ____ day of _____, 2019.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

VILLAGE OF PEMBERTON

BYLAW No. 852, 2019

Permissive Tax Exemption for the Pemberton Community Church

A Bylaw to Provide for a Permissive Tax Exemption for Pemberton Community Church.

WHEREAS pursuant to Section 224 (2) (f) of the *Community Charter*, the Council may, by bylaw exempt certain land, improvements or both from taxation;

AND WHEREAS it is deemed advisable to enact a new bylaw granting exemption in relation to property that is exempt in part under Section 220 (1) (h) for buildings for public worship;

NOW THEREFORE the Council of the Village of Pemberton in open meeting assembled enacts as follows:

1. The portion of the land hereinafter described which is the entirety of the said lands surrounding the exempt church which is set apart and in use for the purpose of public worship, is hereby exempted from municipal property taxation under Section 224 (2) (f) of the *Community Charter* for a ten (10) year period from 2019 until 2028:
 - (a) Lot 1, Plan 11025, District Lot 203, Lillooet Land District.
2. This Bylaw may be cited for all purposes as the "Village of Pemberton Tax Exemption (Pemberton Community Church) Bylaw No. 852, 2019".
3. This Bylaw repeals Village of Pemberton Tax Exemption (Pemberton Community Church) Bylaw No. 836, 2018.

NOTICE OF INTENTION TO PROVIDE a Permissive Tax Exemption to the Pemberton Childcare Society was **PUBLISHED IN** the Pique Newsmagazine on January 10, 2019 and January 17, 2019.

READ A FIRST TIME this 22nd day of January, 2019.

READ A SECOND TIME this 22nd day of January, 2019.

READ A THIRD TIME this this 22nd day of January, 2019.

ADOPTED this ____ day of _____, 2019.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

VILLAGE OF PEMBERTON

BYLAW No. 853, 2019

Permissive Tax Exemption for the Pemberton Legion

A Bylaw to Provide for a Permissive Tax Exemption for the Pemberton Legion

WHEREAS pursuant to Section 224 (2) (a) of the *Community Charter*, the Council may, by bylaw exempt certain land, improvements or both from taxation;

AND WHEREAS it is deemed advisable to enact a new bylaw granting exemption to the Pemberton Legion;

NOW THEREFORE the Council of the Village of Pemberton in open meeting assembled enacts as follows:

1. The land hereinafter described and the improvements thereon which are set apart and in use for not for profit activities, are hereby exempt from taxation under Section 224 (2) (a) of the *Community Charter* for ten (10) year period from 2019 – 2028:

(a) Lot 9, KAP1624, District Lot 203, LLD

2. This Bylaw may be cited for all purposes as the “Village of Pemberton Tax Exemption (Pemberton Legion) Bylaw No. 853, 2019.”
3. This Bylaw repeals Village of Pemberton Tax Exemption (Pemberton Legion) Bylaw No. 837, 2018.

NOTICE OF INTENTION TO PROVIDE a Permissive Tax Exemption to the Pemberton Legion was **PUBLISHED IN** the Pique Newsmagazine on January 10, 2019 and January 17, 2019.

READ A FIRST TIME this 22nd day of January, 2019.

READ A SECOND TIME this 22nd day of January, 2019.

READ A THIRD TIME this this 22nd day of January, 2019.

ADOPTED this ____ day of _____, 2019.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

From: Donna Kelm [REDACTED]
Sent: January 29, 2019 1:56 PM
To: VoP Admin <admin@pemberton.ca>
Subject: Parking concerns Dogwood Street

Please forward to mayor and council:

To Mayor and Council,

I am very concerned about the irregular parking that has been going on at the entrance to Al Staehli Park on Dogwood Street; and in speaking with one of the VoP staff I was told that the village is considering making this parking a permanent feature. As a neighborhood resident I am completely against this idea as I do not see any need for the VoP to encourage more motor vehicles here particularly since this once beautiful neighborhood is now overflowing with houses well exceeding their parking limits.

I welcome any of the council members to drive through this area to see how shabby some of the residences look and on a daily basis to see the number of vehicles parked by the park. Climate change is topical, yet our village plans to provide unnecessary additional parking spaces by a neighborhood park, meant for foot traffic access only.

Thank you for your time and consideration

Yours sincerely,

Donna Kelm

Sent from my iPhone

Form Submission Info

First Name: Nick

Last Name: Fisher

Street Address: [REDACTED]

PO Box [REDACTED]

Town/City: Pemberton

Province: Bc

Postal Code: V0N2L0

Phone Number: [REDACTED]

Email: [REDACTED]

Please attach any related documents (if applicable):

Message to Mayor & Council: In relation to the proposed parking adjacent to Al Staehli park on the Benchlands. I would like to question the necessity and value of spending village money on a car park in this location. The majority of users are locals who live on or around the Benchlands, who walk or ride their bikes to this park. There is already parking outside the Pemberton Hotel, which is only a few hundred metres from the park. In the interests of promoting exercise, I see no reason why facilitating additional, unnecessary use of motor vehicles justifies the expenditure required. Kind Regards Nick Fisher

Sea to Sky Invasive Species Council

Box 845, Whistler BC V0N 1B0
604-698-8334
info@ssisc.ca
www.ssisc.ca



Friday, February 1, 2019

To:
Village of Pemberton
c/o Sheena Fraser
sfraser@pemberton.ca

RE: Request for Invasive Species Management Funding for 2019

Dear Mayor and Council,

I am writing to you to request funding for 2019 for our invasive species local government partnership program. We are grateful for the funding you provided to us in previous years, as it allowed us to help protect environmental and agricultural assets in Pemberton, and hope you can continue to support our work into 2019 and beyond.

Our organization, the Sea to Sky Invasive Species Council, is a charitable organization that works to minimize the threat of invasive species that impact on the environment, the economy and human health in the Sea to Sky corridor. We carry out on-the-ground inventory, control and monitoring of invasive plants; we raise awareness, educate and train the public, government agencies, and other land managers about invasive species and their impacts; we provide a conduit for information and a source of expertise on invasive species including identification, prevention and control; we aim to improve invasive plant stakeholder communication and information sharing; and we work with local governments to develop and implement policy. An overview of our programs is provided in the [SSISC 2018 Annual Report](#).

Invasive species profoundly limit biodiversity, threatening the vital elements that support the ecological integrity of coastal ecosystems. These species negatively affect the habitat of wild animals, they can increase fire hazard and accelerate erosion, which leads to siltation. They also cause human and animal health problems, can impact buildings and infrastructure, and can reduce crop and forage quantity and quality. In Pemberton, species like Orange Hawkweed and Burdock affect agricultural land values, Purple Loosestrife and Himalayan Blackberry are threatening riparian ecosystems, and Japanese Knotweed is threatening infrastructure and property values.

Because of the cost to our environment, economy, and health, prevention of new invaders, and active management of existing invasive species is key. Choosing to act now and support programs that raise awareness about new invaders to the area like Scotch Broom, and preventing the further spread of species that are already here will save the community of Pemberton money in the long run.

As a charitable organization, our programs are funded by a combination of contributions from our Local Government Partnership Program participants, our fee-for-service programs (training and field crew hire programs), and also through grants from government, industry and private foundations. Whilst we have been lucky in the past, we cannot rely on grants to support our work.

For this reason, we request annual funds from all local, regional and first nations governments in the corridor, as these communities directly benefit from the services we provide. The Village of Pemberton contributed \$1,600 last year, which we are very grateful for, as it allowed us to carry out outreach activities such as:

- A weed pull with students from Signal Hill Elementary;
- Hosting an information booth at the Pemberton Farmer's markets;

- An invasive species training workshop for Village of Pemberton staff
- Delivery of letters to landholders with high priority invasive plants on their properties;
- Developing and distributing print and electronic learning resources;
- Maintaining and updating our website and social media channels;
- Answering questions and providing information about invasive species and recommended management strategies by phone, email and in person via property visits.

We ask that the Village of Pemberton join the Resort Municipality of Whistler, the District of Squamish, the Village of Lions Bay, and the Squamish-Lillooet Regional District in continuing to provide stable annual funding for our Partnership Program, with a contribution of \$1,600 for 2019.

This stable, yearly funding is being requested from all local governments in the region to support SSISC's coordination, education and outreach programs. Examples of the kind of services that Partnership Program participants receive include:

- support and advice to staff and residents regarding invasive species identification and recommendations for control and monitoring;
- access to Species Fact Sheets and electronic resources;
- sharing of knowledge and resources;
- maintenance of invasive species inventory and control maps;
- staff training;
- consultation services with Village of Pemberton staff for the development of disposal recommendations, bylaws, policies and/or planting lists;
- hosting a community weed pull; and
- other services mutually agreed upon.

For a relatively small investment, we can provide these much-needed services. The idea being, that we can achieve much more through a united collaborative effort, than if each municipality and or regional district tries to go it alone. Some of our partners think of it as cost sharing for the services and resources that their staff would otherwise have to provide.

We hope you see value and merit in our work, and that you will consider the request for funding in your budget planning process. If you have any questions, please contact me anytime.

Warm regards,



Clare Greenberg
Executive Director
Sea to Sky Invasive Species Council

RECEIVED

JAN 21 2019

Village of Pemberton

January 11, 2019



Mayor Mike Richman and Council
Village of Pemberton
Box 100, 7400 Prospect Street
Pemberton, BC V0N 2L0
Canada

Dear Mayor Mike Richman and Council:

Re: Recycling Council of British Columbia 45th Annual Zero Waste/Circular Economy Conference 2019

Established in 1974, the Recycling Council of British Columbia (RCBC) is Canada's first non-profit waste prevention organization. Since that time, the Council has worked side-by-side with local governments to eliminate waste in B.C. and develop a sustainable circular economy.

We invite you to attend **RCBC 2019 "Conference on Circular Economy" on May 8, 9, 10 2019 in Whistler, B.C.**, featuring a variety of topics relevant to local governments in B.C. Programming for RCBC 2019 (www.rcbcconference.ca) will include:

- extended producer responsibility
- illegal dumping
- reuse and repair
- waste prevention
- communications and engagement

As well, we plan to address a variety of waste, recycling, and diversion-related issues your council may be facing now or in the near future. We provide a three-day experience of workshops, presentations, and opportunities to network with professionals and area experts to become better informed. B.C.'s industry stewardship agencies, such as RecycleBC, Regeneration, and Encorp Pacific will be in attendance, as well as the BC Ministry of Environment.

RCBC provides comprehensive public education to support recycling and waste-related programs and services through the BC Recycling Hotline, the online Recyclepedia and the free BC Recyclepedia phone app. Last year alone, we answered more than 280,000 questions from people in communities just like yours.

In our public policy work, we engage a variety of stakeholders to collaboratively develop and recommend progressive waste prevention initiatives and legislation. RCBC also facilitates the sharing of knowledge, good practices, and professional development. All of those elements are included as part of Canada's longest running waste prevention event, the annual RCBC Zero Waste Conference on Circular Economy, now in its 45th year.

Thank you for your continued support. Let us keep working together to make a waste-free province through the application of sustainable circular economy principles. If you have any questions, you can reach me at 604-683-6009 ext. 307 or at brock@rcbc.ca.

Sincerely,

Brock Macdonald
Chief Executive Officer

Suite 10
119 West Pender St
Vancouver, BC
V6B 1S5
Canada

phone:
(604) 683-6009

fax:
(604) 683-7255

email:
rcbc@rcbc.ca

web:
www.rcbc.ca

OPEN QUESTION PERIOD POLICY

THAT the following guidelines for the Open Question Period held at the conclusion of the Regular Council Meetings:

- 1) The Open Question Period will commence after the adjournment of the Regular Council Meeting;
- 2) A maximum of 15 minutes for the questions from the Press and Public will be permitted, subject to curtailment at the discretion of the Chair if other business necessitates;
- 3) Only questions directly related to business discussed during the Council Meeting are allowed;
- 4) Questions may be asked of any Council Member;
- 5) Questions must be truly questions and not statements of opinions or policy by the questioner;
- 6) Not more than two (2) separate subjects per questioner will be allowed;
- 7) Questions from each member of the attending Press will be allowed preference prior to proceeding to the public;
- 8) The Chair will recognize the questioner and will direct questions to the Councillor whom he/she feels is best able to reply;
- 9) More than one Councillor may reply if he/she feels there is something to contribute.

*Approved by Council at Meeting No. 920
Held November 2, 1999*

*Amended by Council at Meeting No. 1405
Held September 15, 2015*