

VILLAGE OF PEMBERTON
BUSINESS LICENCE AMENDMENT
(HOUSEKEEPING) BYLAW No. 890, 2020

**Being a bylaw to amend the Village of Pemberton Business Licence Procedure
Bylaw No. 855, 2019**

WHEREAS Council may amend its bylaws from time to time when deemed appropriate:

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

1. This bylaw may be cited for all purposes as Village of Pemberton Business Licence Bylaw No. 855, 2019, Amendment (Housekeeping) Bylaw No. 889, 2020.
2. Village of Pemberton Business Licence Bylaw No. 855, 2020, 2019, be amended as follows:

Part 2: DEFINITIONS

The following definitions be added:

Food Truck has the same meaning as set out in the Village of Pemberton Zoning Bylaw as amended or replaced from time to time.

The definition of Independent Contractor and Temporary Commercial Vendor be deleted and replaced with the following:

Independent Contractor for the purposes of this Bylaw means an individual person who is contracted by the Village to provide services to facilitate a specific recreation program or assist with a short-term project or event and works as required.

Temporary Commercial Vendor means a Business which offers for sale from a stationary vehicle, mobile store 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.

Part 5: APPLICATION FOR BUSINESS LICENCE

Section 5.1 is deleted and replaced with the following:

- 5.1 Every *person* applying for a *business licence* shall complete a *business licence* application in a form approved by the Licence Inspector, or, if available, shall apply online with 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.

PART 6: ISSUING OF A BUSINESS LICENCE

Section 6.3 is deleted and replaced as follows:

- 6.3 A person carrying on a business that does not have a permanent base of operation within the Village must apply for and obtain a business licence under this bylaw before advertising, soliciting, promoting or carrying on that business within the Village.

PART 8:

PART 8 is renamed:

TRANSFER OR CHANGE OF BUSINESS LICENCE AT THE REQUEST OF THE BUSINESS

Section 8.1 (a) closing of business is deleted and the section renumbered.

PART 9: PERIOD OF BUSINESS LICENCE

Section 9.1 is deleted and replaced with the following:

- 9.1. All Business Licences issued under this Bylaw shall be for the calendar year to commence the first day of January and will expire on the thirty-first day of December each year except if a *business licence* is previously forfeited under this Bylaw.

PART 10: BUSINESS LICENCE FEES

Part 10 is deleted and replaced as follows:

- 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. No refund of the annual licence fee shall be made because the licensee ceases to do business at any time.
- 10.3. The Village shall refund business licence fees where a business licence application is withdrawn by the applicant prior to the business licence being issued, or the business licence application is refused by the Village, less the administration fee as set out in Schedule "A".
- 10.4. Despite section 10.3, in the event that an inspection by a Village Official takes place and the business licence application is refused or withdrawn by the applicant, a refund of the *business licence* fee will be issued, less the administration fee and an inspection fee as set out in schedule "A".
- 10.5 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'.
- 10.6 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.
- 10.7 Where a person holding a licence under this bylaw carries on the same business, under the same business name, at more than one location within the Village, the fee for licencing for each additional premises is the Auxiliary Business Fee set out in schedule "A".
- 10.8 Despite Section 10.7, where a person holds a Food Truck or Temporary Commercial Vending *business licence* at more than one location, the Auxiliary Business Fee does not apply.

PART 12: RENEWAL OF BUSINESS LICENCE

Section 12.2 is deleted and replaced as follows:

- 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 Late Payment Fee as set out in Schedule 'A'.

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

- 13.1 A Licence Inspector may refuse an application for *business licence* in any specific case if the Inspector considers that the proposed operation cannot be carried out safely and in accordance with this Bylaw or other applicable enactments or laws.

PART 14: STREET, PARK, MOBILE OR TEMPORARY VENDING

Part 14 is deleted and replaced as follows:

- 14.1 Any *person* applying for a *Food Truck* or *Temporary Commercial 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 Every *Food Truck Vendor* and *Temporary Commercial Vendor* must:
- (a) Provide proof of insurance for the vehicle, vending cart, trailer, truck, vehicle or temporary stall;
 - (b) Ensure their operation complies with the Village's Zoning Bylaw;
 - (c) Provide the Licence Inspector with information as to how the person will comply with:
 - i. The Wildlife Attractants Bylaw
 - ii. The Sign Bylaw; and
 - iii. The Noise Regulation Bylaw
 - (d) Obtain prior written permission from the owner of the land, allowing the *Food Truck*, portable vending cart, mobile store, trailer, truck, 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*.
 - (e) Comply with any conditions imposed by a provincial health authority or the Village's Fire Department.
 - (f) Not operate within six (6) metres of a fire hydrant.
- 14.3 Only one (1) *Food Truck* licence or one (1) *Temporary Commercial Vending Licence* will be issued per parcel of land

14.4 *Food Truck Vendors* must:

- a) obtain permission to use washroom facilities on the property or in adjacent premises, and provide a written statement indicating said permission;
- b) provide a garbage container at the location of the vending cart, trailer, truck, 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;
- c) obtain a *business licence* for each separate location where the business will be operated; and
- d) meet Provincial health regulations applicable to their operation, and provide written confirmation of compliance from a Provincial health officer

14.6 *Temporary Commercial Vendors* must ensure their portable vending cart, mobile store, trailer, truck, vehicle, or temporary stall: :

- a) is fully self-contained with no service connection other than electrical service being required;
- b) is capable of being moved on their own wheels without alteration or preparation or be towed by another vehicle;
- c) is 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; and
- d) is kept in good repair.

14.7 A maximum of five (5) *Food Truck* or *Temporary Commercial Vending* licences will be issued in a calendar year.

PART 16: COMMUNITY EVENTS

Part 16 is amended by deleting section 16.1 and replacing it as follows:

- 16.1 Organizers of 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 must comply with the Special Events or Open Spaces and Park Use Bylaw.

PART 17: SPECIAL EVENTS

Section 17.7 (a) and (b) is deleted and replaced as follows:

17.7 Any Business providing Special Events shall comply with the Special Events Bylaw.

PART 19: BUSINESS LICENCE EXEMPTIONS

Section 19.1 (c) is deleted and replaced as follows:

c) *Independent Contractor* hired by the Pemberton and District Community Centre to facilitate an activity, program or support an event run by the Recreation Services Department or by the Village to assist with a short-term project or event.

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 comply with the Special Events or Open Spaces and Park Use Bylaws.

PART 24: PENALTIES

Section 24.2 (a) (b) and (c) is deleted and replaced as follows:

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 \$50,000 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 the Bylaw Notice Enforcement Bylaw No. 874, 2020, as amended or replaced from time to time, to pay a penalty to a maximum authorized under that *Local Government Bylaw Notice Enforcement Act*.

FEE SCHEDULE

Schedule A is deleted and replaced.

NOTICE OF INTENTION TO AMEND Business Licence Bylaw No. 855, 2019
PUBLISHED IN THE Pique Newsmagazine on October 8, 2020 and October 15, 2020.

READ A FIRST TIME this 20th day of October 2020.

READ A SECOND TIME this 20th day of October 2020.

READ A THIRD TIME this 20th day of October 2020.

RECONSIDERED AND FINALLY ADOPTED this 3rd day of November, 2020.

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:

Business Licence Fee (Resident & Non-Resident): (10.1) \$ 150.00

Administration Fee: (10.3 – application withdrawn or refused) \$ 25.00

Inspection Fee: (10.4 – application withdrawn/refused) \$ 100.00

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 Vending (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 10.5 Reduced Fee for Applications received between October 1st and December 31st: (Amendment Bylaw No. 871, 2019)

The Business Licence Annual Fee for new applications received between October 1st and December 31st will be 50% of the full business licence annual fee set out in Part 10.1.

Part 10.6 Non-Refundable Application Processing Fee

Cannabis Retail Business Licence Applications \$1,000.00

Part 10.7 Auxiliary Business

Business Auxiliary to an existing business \$ 50.00

Part 12. Business Licence Late Payment Fee:

Business Licence Renewals received after January 31st will be subject to a Late Payment Fee of 25%.