

VILLAGE OF PEMBERTON
BYLAW No. 934, 2022

A bylaw to amend Village of Pemberton Business Licence Bylaw No. 855, 2019

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

CITATION

1. This Bylaw may be cited for all purposes as “Village of Pemberton Business Licence Amendment (Special Event Vendor Licence) Bylaw No. 934, 2022.”

APPLICATION

2. Village of Pemberton Business Licence Bylaw No. 855, 2019, is amended by:

2(1) In section 2.1:

- a) striking out the definition of food truck and inserting in its place the following new definition:

Food truck means the use of a licensed vehicle, kiosk, or cart equipped with facilities for the preparation, cooking and serving of food to consumers from a temporary location, subject to the regulations in the Village of Pemberton Zoning Bylaw.

- b) inserting the following new definitions in alphabetical order:

Home occupation means the use of a residential dwelling unit by the primary occupant of the residential unit for a licensed commercial occupation, profession or craft that is contained entirely within the permitted residential use and conducted in accordance with the regulations set out in the Village of Pemberton Zoning Bylaw.

Mobile commercial vendor means a vendor, holding a *valid business licence*, that offers for sale from a *mobile store*, goods, other than food items for immediate consumption, otherwise permitted to be sold in the zone in which the *mobile store* is located.

Mobile food vendor means a vendor, holding a *valid business licence*, that offers for sale food, confectionary, or beverage from a *food truck*.

Mobile store means a stationary vehicle, cart, temporary stall, or kiosk that is not part of a permanent use on the lot and is used for the sale of goods

Public space means:

- (a) a park or parkland, *public space*, highway, or any real property or interest therein within the *Village* or held by the *Village*;
- (b) land held under any lease of the foreshore and land covered by water granted to the Village by Her Majesty the Queen; or
- (c) the forest inside the *Village* boundary

held or used for pleasure, recreation, or community uses of the public, whether or not the land is identified by signage or any other device.

- c) striking out the definition of temporary mobile commercial vendor.
- d) Striking out the definition of trades contractor and inserting in its place the following new definition:

Trade Contractor means a *home occupation business* that provides a service in a trade designated by the Industry Training Authority BC as a red seal trade or skilled trade, performed by a certified tradesperson or a registered apprentice under the supervision of a certified tradesperson.

2(2) Striking out section 4.4 and inserting in its place the following:

- 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., Pemberton Fire Rescue, or an external agency respecting a *business licence* application.
 - 4.4.1 If the *Licence Inspector* requires confirmation of approval from Pemberton Fire Rescue or an external agency respecting a *business licence* application, the *Licence Inspector* must not issue a business licence until such approval has been received.
 - 4.4.2 A *business licence* holder shall immediately notify the *Licence Inspector* of any suspension or cancellation of an approval.
 - 4.4.3 The *Licence Inspector* may suspend a *business licence* pending reinstatement of approvals.

2(3) Inserting new sections 8.4 as follows:

- 8.4. If a person holding a *short-term vacation rental* or *bed and breakfast business licence* sells the *business premises* or ceases to maintain the *business premises* as their principal residence:
 - a) the licence holder must inform the *Licence Inspector* of the change of ownership or the change to the principal residence within seven (7) days of the change occurring; and
 - b) the *business licence* shall be deemed to be canceled effective the date of the change.

2(4) Inserting a new section 8.5 as follows:

- 8.5. The powers, conditions, requirements, and procedures relating to the granting or refusal of a *business licence* apply to an application for a change to a *business licence*.

2(5) Striking out section 10.8 and inserting in its place the following:

10.8 Despite Section 10.7, where a person holds a *mobile food vendor* or *mobile commercial vendor business licence* for more than one *food truck* or *mobile store*, the auxiliary business fee does not apply.

2(6) Striking out Part 14 and inserting the following in its place:

PART 14: MOBILE COMMERCIAL VENDORS AND MOBILE FOOD VENDORS

Application Requirements

14.1. A separate *business licence* is required for each *food truck* or *mobile store* operated by a *mobile food vendor* or *mobile commercial vendor*.

14.2. An applicant for a *mobile food vendor* or *mobile commercial vendor business licence* must provide the *Licence Inspector* with

- a) proof of insurance for the *food truck* or *mobile store*;
- b) proof of approval by Pemberton Fire Rescue; and
- c) information as to how the business will comply with the following *Village* bylaws:
 - i. Wildlife Attractants Bylaw
 - ii. Sign Bylaw; and
 - iii. Noise Regulation Bylaw

14.3. An applicant for a *mobile food vendor business licence* must provide the *Licence Inspector* with:

- a) proof of approval by the Vancouver Coastal Health;
- b) written permission to use washroom facilities on the property or on an adjacent property;

14.4. An applicant for a *mobile food vendor* or *mobile commercial vendor business licence* to operate on a *public space* must provide the *Licence Inspector* with a copy of the permit, contract, or agreement with the *Village* authorizing the business to operate on the *public space*.

14.5. An applicant for a *mobile food vendor* or *mobile commercial vendor business licence* to operate on private property must provide the *Licence Inspector* with written permission from the owner of the property, allowing the *food truck* or *mobile store* to operate on the property.

Operational Requirements

14.6 A *mobile food vendor* or *mobile commercial vendor* must:

- a) provide a garbage container at the location of the *food truck* or *mobile store*;

- b) pick up all garbage and debris resulting from their operation within 100 meters of their location;
- c) not operate within six (6) metres of a fire hydrant;
- d) not impede pedestrian or motor vehicle traffic; and
- e) ensure that the *food truck* or *mobile store* is
 - i. is fully self-contained with no service connection other than electrical service being required; and
 - ii. is kept in good repair.

Limit to Number of Business Licences

14.7. A maximum of five (5) *mobile food vendor* or *mobile commercial vendor business licences* will be issued in a calendar year.

2(7) Striking out section 15.1.

2(8) Inserting new sections 15.2, 15.3, and 15.4 as follows:

15.2. *A trade contractor business* is a type of *home occupation business* and is subject to the application and operational requirements of a *home occupation business*.

15.3. A person applying for a *home occupation business licence* must provide the *Licence Inspector* with written authorization from the homeowner to carry on the *business* on the *premises*.

15.4. A person holding a *home occupation business licence* is subject to the operational requirements of a *home occupation business* set out in Zoning Bylaw No. 832, 2018.

2(9) Striking out section 17.3 and inserting in its place the following:

17.3..1. A vendor participating in a *special event* must:

- a) hold a *business licence* valid for the duration of the *special event*, or
- b) obtain a *special event vendor business licence* prior to participating in the event as a vendor.

17.3..2. A vendor participating in a *special event* must:

- a) comply with the operational requirements of a *mobile food vendor* or a *mobile commercial vendor* set out in this bylaw, as applicable; and
- b) comply with all *Village* bylaws and policies.

2(10) Deleting Schedule A.

READ A FIRST TIME this 12th day of July, 2022.

READ A SECOND TIME this 12th day of July, 2022.

READ A THIRD TIME this 12th day of July, 2022.

ADOPTED this 30th day of August, 2022.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer