

BUSINESS LICENCE BYLAW

VILLAGE OF PEMBERTON

BYLAW No. 855, 2019

CONSOLIDATED VERSION



LAST OFFICE CONSOLIDATION: December 16, 2020

This document is an office consolidation of the Village of Pemberton Business Licence Bylaw No. 855, 2019 (adopted February 19, 2019) and subsequent amendments adopted by Village Council.

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application that original bylaw should be consulted.

The Village of Pemberton will, in no event, be liable or responsible for damages of any kind arising out the use of this consolidation.

This is not the official version of the Village of Pemberton Business Licence Bylaw No. 855, 2019, nor is it admissible in a court of law. For such purposes, official certified copies can be obtained from the Village Office or by contacting us at: admin@pemberton.ca.

List of Amending Bylaws

BYLAW NO.	SECTION	DESCRIPTION	ADOPTED
871, 2019	Part 2 Part 13 Part 19 Schedule A	Definitions Refusal, Suspension or Cancellation Business Licence Exemptions FEES	November 19, 2019
890, 2020	Part 2 Part 5 Part 6 Part 8 Part 9 Part 10 Part 12 Part 13 Part 14 Part 16 Part 17 Part 19 Part 20 Part 24 Fee Schedule	Definitions Application for Business Licence Issuing of a Business Licence Transfer or Change of Business Licence at the Request of the Business (Renaming) Period of Business Licence Business Licence Fees (deleted and Replaced) Renewal of Business Licence Refusal, Suspension or Cancellation of a Business Licence Street, Park, Mobile or Temporary Vending Community Events Special Events Business Licence Exemptions Farmers' Market Penalties Schedule A Replaced	November 3, 2021

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, 2019”.

PART 2: DEFINITIONS ~~INTERPRETATION~~

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.

Building Official means the individual appointed to this role for the Village or their designate.

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.

Community Group means a type of group or organization that is created and operates for a specific purpose or to provide a specific service in a community for the public benefit of the members of the community but does not hold society status. (*Amendment Bylaw No. 871, 2019*)

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.

Fire Chief means the individual appointed to this role for the Village or their designate.

FOIPPA means the Freedom of Information and Protection of Privacy Act, R.S.B.C. 1996 c.165.

Food Truck has the same meaning as set out in the Village of Pemberton Zoning Bylaw as amended or replaced from time to time. (*Amendment Bylaw 890, 2020*)

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. (*Amendment Bylaw No. 871, 2019 & Amendment Bylaw No. 890, 2020*)

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.

Non-Profit Organization means a club, society, or association that is organized and operated solely for: social welfare, civic improvement, pleasure or recreation and any other purpose except profit. (*Amendment Bylaw No. 871, 2019*)

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, 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. **(Amendment Bylaw No. 890, 2020)**

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.

- 2.2. In this Bylaw, A reference to an Act refers to a statute of British Columbia and a reference to any statute, regulation or other enactment refers to that enactment as amended or replaced from time to time.
- 2.3. Except as otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Community Charter, Local Government Act, Interpretation Act, and the Zoning Bylaw 832, 2018*.
- 2.4. Headings are for convenience only and must not be construed as defining or limiting the scope or intent.
- 2.5. Words in the singular include the plural, and words in the plural include the singular.
- 2.6. If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion must be severed and the remainder of the Bylaw continues to be valid and enforceable.
- 2.7. Nothing in this Bylaw relieves a person from complying with any Federal or Provincial enactment or any other bylaw or requirement of a permit, order or licence.
- 2.8. In the event of inconsistency between a provision of this Bylaw and that of another enactment, the more restrictive enactment is deemed to apply.

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 provided 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 a *business licence* application in a form approved 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.
(Amendment Bylaw No. 890, 2020)

- 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. 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. (Amendment Bylaw No. 890, 2020)
- 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.
- 7.3. When more than one inspection is required by the Fire Chief to confirm that the premises are in compliance with all applicable bylaws, a fee, as set out in Schedule A of this Bylaw, shall be payable, for each additional inspection by the Fire Chief, prior to issuance of the business licence.
- 7.4. When more than one inspection is required by the Building Official to confirm that the premises are in compliance with all applicable bylaws, a fee, as set out in

Schedule A of this Bylaw, shall be payable, for each additional inspection by the Building Official, prior to issuance of the business licence.

PART 8: TRANSFER OR CHANGE OF BUSINESS LICENCE AT THE REQUEST OF THE BUSINESS (Amendment Bylaw No. 890, 2020)

- 8.1. A holder of a *business licence* shall notify the License Inspector in writing prior to:
- a) changing the Business Name, phone number and/or fax number, emergency contact name, mailing address (Business Information);
 - b) changing the *business owner* or *business licence* holder;
 - c) changing the location of the *business*;
 - d) changing or adding to the *business*;
 - e) 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 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. (Amendment Bylaw No. 890, 2020)

PART 10: BUSINESS LICENCE FEES (Amendment Bylaw No. 890, 2020)

- 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 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 Late Payment Fee as set out in Schedule 'A'.
(Amendment Bylaw No. 890, 2020)

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.
(Amendment Bylaw No. 890, 2020)
- 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*.
- 13.6 A person whose business license has been refused, suspended or cancelled by the Licence Inspector and who intends to appeal such refusal, suspension or cancellation to the Village of Pemberton Council shall, within ten (10) business days from the date of suspension or cancellation, inform the Corporate Officer, in writing, of the intention to appeal such refusal, suspension or cancellation.
(Amendment Bylaw No. 871, 2019)
- 13.7 The notice of intention to appeal shall state in a concise fashion the grounds upon which the appeal is based. (Amendment Bylaw No. 871, 2019)
- 13.8 The Corporate Officer shall refer the matter to the Village of Pemberton Council for reconsideration. (Amendment Bylaw No. 871, 2019)

PART 14: STREET, PARK, MOBILE OR TEMPORARY VENDING (Amendment Bylaw No. 890, 2020)

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 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. 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. (*Amendment Bylaw No. 871, 2019*)
- 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 comply with the Special Events Bylaw. (*Amendment Bylaw No. 871, 2019*)

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: BUSINESS LICENCE EXEMPTIONS (*Amendment Bylaw No. 871, 2019*)

- 19.1 The following are not required to obtain a business licence within the Village of Pemberton:
- a) *Non-Profit Organization*;
 - b) *Community Group*;
 - 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. (*Amendment Bylaw No. 871, 2019*)

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. (*Amendment Bylaw No. 871, 2019*)

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. 21.5.(a) of this Bylaw, the application will be placed on a waiting list.
- c) The applications on the waitlist referred to in s. 21.5. (b) of this Bylaw will be considered if s. 21.5 (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:

(Amendment Bylaw No. 890, 2020)

- 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*.

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

~~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

~~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

~~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 27: REPEAL AND SCHEDULE

27.1. The following bylaw is hereby repealed:

Village of Pemberton Business Licence Bylaw No. 842, 2018

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

27.3. 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 5th day of February, 2019.

READ A SECOND TIME this 5th day of February, 2019.

READ A THIRD TIME this 5th day of February, 2019.

ADOPTED this 19th day of February, 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:

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

(Amendment Bylaw No. 890, 2020)

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 (Amendment Bylaw No. 890, 2020)

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%. *(Amendment Bylaw No. 890, 2020)*

SCHEDULE 'A' FEES

Fee Description	As of January 1, 2021	As of January 1, 2022	As of January 1, 2023
Part 7. Inspection of Premises			
Additional Inspection, Fire Chief (7.3)	\$100.00	\$100.00	\$100.00
Additional Inspection, Building Official (7.4)	\$100.00	\$100.00	\$100.00
Part 8. Transfer of Change at the Request of the Business			
Transfer or Change Fee (8.2)	\$25.00	\$25.00	\$25.00
Business Licence Fees			
Administration Fee (10.3: application withdrawn or refused)	\$25.00	\$25.00	\$25.00
Inspection Fee (10.4: application withdrawn or refused) (Amendment Bylaw No. 890, 2020)	\$100.00	\$100.00	\$100.00
Business Licence Fee, Resident and Non-Resident	\$150.00	\$150.00	\$150.00
Business Specific Fees (Part Noted)			
Cannabis Production Facility, Standard (22)	\$5,000.00	\$2,500.00	\$150.00
Cannabis Production Facility, Micro (22)	\$2,500.00	\$1,250.00	\$150.00
Cannabis Retail Store (23)	\$5,000.00	\$2,500.00	\$150.00
Community Event (16)	\$150.00	\$150.00	\$150.00
Farmers' Market (20)	\$300.00	\$300.00	\$300.00
Street, Park, Mobile or Temporary Vendor (14)	\$300.00	\$300.00	\$300.00
Short-Term Vacation Rental (21)	\$300.00	\$300.00	\$300.00
Special Event (17)	\$150.00	\$150.00	\$150.00
Trade Contractor (15)	\$150.00	\$150.00	\$150.00
Vending Machine (18)	\$150.00	\$150.00	\$150.00
Part 10.5 Fee Reduction for Applications Received Between October 1st and December 31st (Amendment Bylaw No. 871, 2019)			
All Businesses	-50%	-50%	-50%
Part 10.6 Non-Refundable Application Processing Fee			
Cannabis Retail Store	\$1,000.00	\$1000.00 + Costs	\$1,000.00 + Costs
Cannabis Production facility	NA	\$1,000.00	\$1,000.00
Part 10.7 Auxiliary Business (Amendment Bylaw No. 890, 2020)			
Fee for business that is auxiliary to an existing business	\$50.00	\$50.00	\$50.00
Part 12. Business Licence Late Payment Fee (Amendment Bylaw No. 890, 2020)			
All Businesses	+25%	+25%	+25%

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