



## -COMMITTEE OF THE WHOLE MEETING AGENDA-

Meeting #: 261  
Date: Tuesday, May 7, 2024, 1:00 pm  
Location: Council Chambers & Zoom Webinar  
7400 Prospect Street

*This meeting is being recorded as authorized by the Video Recording & Broadcasting of Open Meetings Policy.*

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### Pages

#### 1. CALL TO ORDER

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

I acknowledge the Chair of Generations present in this room, a symbolic reminder of our duty to future generations. May it inspire us to strive for a sustainable and just future for all.

#### 2. APPROVAL OF AGENDA

##### Recommendation:

**THAT** the Committee of the Whole approves the agenda of Committee of the Whole Meeting No. 261 as presented.

#### 3. ADOPTION OF MINUTES

#### 4. DELEGATIONS

##### 4.1 The Declaration on the Rights of Indigenous Peoples Act and Local Government

A presentation by Ruth Forsyth, director, and Katelyn Duquette, senior policy analyst, Intergovernmental Relations & Stakeholder Engagement, Reconciliation Transformation & Strategies Division, Ministry of Indigenous Relations and Reconciliation

#### 5. REPORTS

##### 5.1 Introduction to Business Licence Bylaw Amendment - Short-Term Vacation Rentals

##### Recommendation:

**THAT** the Committee of the Whole refers the proposed business licence amendment bylaw to Council for first, second, and third readings at a future regular meeting of council;

**AND THAT** Committee of the Whole directs staff to provide public notice of the bylaw readings in two consecutive editions of Pique Newsmagazine and post the notice on the Village website and Facebook page prior to readings of the bylaw.

#### 6. TERMINATION

##### Recommendation:

**THAT** the Committee of Whole terminates the meeting.

**Date:** Tuesday, May 7, 2024

**To:** Elizabeth Tracy, Chief Administrative Officer

**From:** Gwendolyn Kennedy, Manager, Corporate & Legislative Services

**Subject:** Business Licence Bylaw Amendment (Short-Term Vacation Rentals)

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### **PURPOSE**

The purpose of this report is to seek input from the Committee of the Whole regarding proposed amendments to Business Licence Bylaw No. 855, 2019.

### **BACKGROUND**

At Regular Council Meeting No. 1596, held March 19, 2024, Council considered a [staff report](#) examining the impact of Bill 35, *Short-Term Rental Accommodations Act*, and passed the following resolutions:

*Resolution 1596-8*

*THAT Council directs staff to bring to a future Committee of the Whole meeting information regarding how to provide flexibility in the Village's short-term vacation rental regulations to permit homeowners to rent their principal residences as tourist accommodation for less than 90 days when away from home.*

*Resolution 1596-10*

*THAT Council directs staff to submit a request to the Province of British Columbia to have the Village of Pemberton included in the principal residence requirement for short-term rental accommodation.*

*Resolution 1596-11*

*THAT Council directs staff to draft amendments to Zoning Bylaw No. 832, 2018 and Business Licence Bylaw No. 855, 2019, to bring the existing bed and breakfast business into compliance with Village bylaws.*

*Resolution 1596-12*

*THAT Council directs staff to draft an amendment to Zoning Bylaw No. 832, 2018, to align the Village's definition of short-term vacation rental with the definition set out in the Short-Term Rental Accommodations Act.*

At this meeting, Council indicated support for keeping the Village's existing short-term vacation rental regulations, including the principal residence requirement and the neighbourhood cap on the number of short-term vacation rental business licences issued, while broadening the definition of short-term vacation rentals to include rentals of less than 90 days, in alignment with the provincial definition set out in the *Short-term rental Accommodations Act*.

This report considers municipal authority to regulate with respect to business and presents the amendments to Business Licence Bylaw No. 855, 2019, that will accomplish the objectives articulated by Council, subject to Council's jurisdiction with respect to business.

## **DISCUSSION & COMMENTS**

The amendments summarized below are presented in draft bylaw format attached **Appendix A**. For convenience, a draft consolidation of Business Licence Bylaw No. 855, 2019, showing the proposed amendments as track changes, is attached as Appendix B.

### **Municipal Authority in Relation to Business - Cap on Short-Term Vacation Rentals & Mobile Vendors**

Section 8 (6) of the [Community Charter](#) states that a council may, by bylaw, regulate in relation to business. Section 8 (7) clarifies that the powers of a municipality to regulate, impose requirements, and prohibit are separate powers. Therefore, in giving a municipal council the authority only to *regulate* in relation to business, the *Community Charter* does not give a council the authority to prohibit a business from being established or to impose requirements on an individual business.

Despite the limitations on municipal authority with respect to business, section 479 (1) (c) of Part 14 of the *Local Government Act* gives a local government the authority to regulate the use of land, buildings, and other structures within a zone. Thus, although a council may not prohibit a business or type of business from operating under the authority established by section 8 of the *Community Charter*, such an objective may be accomplished through zoning. Also, section 8 (7) (c) of the *Community Charter* establishes that the powers to regulate, prohibit, and impose requirements may not be used to do anything a council is authorized to do under Part 14 of the *Local Government Act*, further clarifying the limitation to a municipality's powers under section 8.

The Province provides information on the interpretation of section 8 of the *Community Charter* here: [Municipal business regulation - Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/soc/comm/municipal/municipal_business_regulation.htm)

On reviewing section 8 of the *Community Charter* and Part 14 of the *Local Government Act*, staff conclude that the neighborhood cap on short-term vacation rental business licences set out in section 21.5 and the mobile vendor business licence cap set out in section 14.7 of [Business Licence Bylaw No. 855, 2019](#) fall outside the Village's jurisdiction and should be removed from the bylaw. The proposed amendment to Business Licence Bylaw No. 855, 2019, will eliminate these sections and Schedule B, Neighbourhood Allocation Cap Map.

### **Resolution No. 1596-8 - Rental of Principal Residence, Owner Away from Home**

Resolution No. 1596-8 arose from Council's concern that homeowners wishing to rent their homes for a period of less than 90 days when away on vacation would be unable to obtain a business licence because of the neighbourhood cap on short-term vacation rental business licences. Council acknowledged that a homeowner renting their home while away on vacation would have no impact on the long-term rental market, as the home would not be available for rent long-term, being occupied most of the year by its owners.

With the proposed removal of the neighbourhood cap on short-term vacation rentals from Business Licence Bylaw No. 855, 2019, the question of how to build the desired flexibility into short-term vacation rental regulations was directed to Development Services.

### **Resolution No. 1596-12 - Definition of Short-Term Vacation Rental**

Resolution No. 1596-12 was referred to Development Services for inclusion in an amendment to Zoning Bylaw No. 832, 2018. However, recognizing that zoning definitions, with their focus on the use of a property and based on the assumption that a use is prohibited unless stated otherwise, may not be suited to a business licence bylaw that focuses on the business operation. As such, staff crafted a new definition based on the definition provided in section 1 of the *Short-Term Rental Accommodations Act*. The definition set out in the *Act* reads as follows:

**"short-term rental accommodation service"** means the service of accommodation in the property of a property host, in exchange for a fee, that is provided to members of the public for a period of time of less than 90 consecutive days or another prescribed period, if any, but does not include a prescribed accommodation service.

Staff propose the following definition:

*short-term vacation rental* means the service of accommodation in the property of a property host, in exchange for a fee, that is provided to members of the public for a period of time of less than 90 consecutive days but does not include a *bed and breakfast*, *bed and breakfast inn*, hotel, motel, or hostel.

The proposed definition eliminates the reference to *tourism accommodation* so that a reader need not refer to another enactment to understand the definition. Also, the definition keeps the Province's use of the term "property host", which is absent from the zoning bylaw definition because of the zoning focus on a property. Hotels, motels, hostels, bed and breakfasts, and bed and breakfast inns are excluded and are not subject to the 5% limit per neighbourhood that will be established in the forthcoming zoning bylaw amendment.

### **Resolution No. 1596-11 - Bed and Breakfast Inn**

At Regular Council Meeting No. 1596, Council indicated support for the following staff recommendation to bring the current bed and breakfast business licence holder into compliance with Village zoning and business licence bylaws:

- a. add a new licence type, *bed and breakfast inn*, to Business Licence Bylaw No. 855, 2019; and,
- b. in section 7.9 of Zoning Bylaw No. 832, 2018, remove (b), which sets out the restriction that a B&B inn may not offer cooking facilities to guests.

Staff propose amending Part 21, Short-Term Vacation Rentals (STVRs), to include bed and breakfasts (B&Bs) and bed and breakfast inns (B&B Inns), as the provisions set out in this section apply equally to the three licence types. The three business types are distinguished only by the requirements set out in sections 7.8, 7.9, and 7.24 of Zoning Bylaw No. 832, 2018, as follows:

- B&Bs and B&B Inns will be exempted from the 5% limit by neighbourhood;
- accommodation occupancy is limited to a maximum of two bedrooms for a B&B; three for an STVR; and five bedrooms for a B&B Inn;
- the operator must be the owner of the home for a B&B whereas a B&B Inn or STVR may be operated by a full-time resident who is not the property owner;
- the operator must be present during operation of a B&B or B&B Inn; an STVR operator may rent their principal residence when they are away from the home;
- cooking facilities are prohibited in a B&B but permitted in an STVR and a B&B Inn; and

- the zones in which the uses are permitted differ.

## **COMMUNICATIONS**

Section 59 (2) of the *Community Charter* requires that before adopting a bylaw that regulates business, a council must give notice and provide an opportunity for persons who consider they are affected by the bylaw to make representations to council. Section 59 indicates that a council may determine what constitutes appropriate notice. Staff recommend following the Village's usual procedure of providing notice in two consecutive editions of Pique Newsmagazine and posting the notice on the Village website and Facebook page.

## **LEGAL CONSIDERATIONS**

The legal authority to regulate business is described in the Discussion & Comments section of this report.

## **BUDGET & STAFFING**

There are no impacts to the budget or staff hours.

## **INTERDEPARTMENTAL IMPACT**

Review and amendment of Business Licence Bylaw No. 855, 2019 has no impact on other departments.

## **COMMUNITY CLIMATE ACTION PLAN**

Review and amendment of the Business Licence Bylaw No. 855, 2019 has no impact on the Community Climate Action Plan strategies.

## **STRATEGIC PRIORITIES**

Review and amendment of Business Licence Bylaw No. 855, 2019, including incorporation of changes to short-term vacation rental regulations, aligns with the strategic priority to *plan and manage growth*.

## **IMPACT ON THE REGION**

Review and amendment of Business Licence Bylaw No. 855, 2019 has no impact on other jurisdictions.

## **ALTERNATIVE OPTIONS**

Alternative options for consideration are as follows:

**Option One** (recommended):

**THAT** the Committee of the Whole refers the proposed business licence amendment bylaw to Council for first, second, and third readings at a future regular meeting of council;

**AND THAT** the Committee of the Whole directs staff to provide public notice of the bylaw readings in two consecutive editions of Pique Newsmagazine and post the notice on the Village website and Facebook page prior to readings of the bylaw.

**Option Two:**

**THAT** the Committee of the Whole directs staff to bring back the proposed business licence bylaw amendment to the Committee of the Whole for further discussion with the following changes:

- *(Committee of the Whole to list changes)*

**RECOMMENDATIONS**

**THAT** the Committee of the Whole refers the proposed business licence amendment bylaw to Council for first, second, and third readings at a future regular meeting of council;

**AND THAT** Committee of the Whole directs staff to provide public notice of the bylaw readings in two consecutive editions of Pique Newsmagazine and post the notice on the Village website and Facebook page prior to readings of the bylaw.

**ATTACHMENTS:**

**Appendix A:** Draft Business Licence Amendment Bylaw

**Appendix B:** Draft Consolidated Business Licence Bylaw No. 855, 2019 showing proposed changes

Prepared by:	Gwendolyn Kennedy, Manager, Corporate & Legislative Services
CAO approval:	Elizabeth Tracy, Chief Administrative Officer

VILLAGE OF PEMBERTON  
BYLAW No. XXX, 2024

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

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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 the “Village of Pemberton Business Licence Amendment (Short-Term Vacation Rentals) Bylaw No. XXX, 2024.”

**PURPOSE**

2. The purpose of this bylaw is to amend certain provisions of Village of Pemberton Business Licence Bylaw No. 855, 2019 related to short-term vacation rentals and bed and breakfasts, to establish a new business licence type, bed and breakfast inn, and to eliminate caps on business licences.

**GENERAL**

- 3 (1) Village of Pemberton Business Licence Bylaw No. 855, 2019, is amended by striking out the definition of *bed and breakfast* and inserting the following in its place:

*Bed and breakfast* means the service of accommodation in the property of a property host, in exchange for a fee, that is provided to members of the public for a period of time of less than 90 consecutive days in which a maximum of two (2) bedrooms are available for accommodation in accordance with section 7.8 of Zoning Bylaw No. 832, 2018.

- (2) A new definition is inserted in section 2.1. as follows:

*Bed and breakfast inn* means the service of accommodation in the property of a property host, in exchange for a fee, that is provided to members of the public for a period of time of less than 90 consecutive days in which a maximum of five (5) bedrooms are available for accommodation in accordance with section 7.9 of Zoning Bylaw No. 832, 2018.

- (3) The definition of *short-term vacation rental* is struck out and the following is inserted in section in its place:

*Short-term vacation rental* means the service of accommodation in the property of a property host, in exchange for a fee, that is provided to members of the public for a period of time of less than 90 consecutive days but does not include a bed and breakfast, bed and breakfast inn, hotel, motel, or hostel.

- (4) Section 14.7 is struck out.

(5) Section 21.1 is struck out and the following inserted in its place:

21.1. The following regulations and requirements apply to a short-term vacation rental (STVR), bed and breakfast (B&B) and bed and breakfast inn (B&B Inn) *businesses*:

- a) A *business licence* is valid for one (1) dwelling unit only.
- b) An operator of an STVR, B&B, or B&B Inn shall not advertise the *business* prior to the issuance of a *business licence* for that *business*.
- c) Every advertisement for an STVR, B&B, or B&B Inn must disclose, in respect of the accommodation being advertised, the following:
  - i. a valid *business licence* number;
  - ii. the maximum permitted guest occupancy of the accommodation pursuant to Zoning Bylaw No. 832, 2018;
  - 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 accommodation are permitted to bring to the premises; and
  - iv. Village of Pemberton quiet hours pursuant to Noise Regulation Bylaw No. 699, 2012;
- d) The following information shall be provided in a notice visible upon entering a accommodation 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 Zoning Bylaw No. 832, 2018;
  - 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 accommodation are permitted to bring to the premises;
  - iv. Village of Pemberton quiet hours pursuant to Noise Regulation Bylaw No. 699, 2012; and
  - v. the name, address, email and telephone number of the accommodation 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 an STVR, B&B, or B&B Inn is an addition to other requirements contained herein that are generally applicable to *businesses*.



- (6) Section 21.2 is struck out and the following inserted in its place:

**Principal Residence Requirement**

- 21.2. An STVR, B&B, or B&B Inn operator must not operate an STVR, B&B, or B&B Inn unless the accommodation is located in:
- a) the *principal residence* of the operator; or
  - b) a *secondary suite* that is in a detached dwelling where the operator has their *principal residence*.

- (7) Section 21.3 is struck out and the following inserted in its place:

**Application**

- 21.3. A person applying for a *business licence* for an STVR, B&B, or B&B Inn shall, at the time of applying, in addition to the general requirements under this bylaw, provide:

- a) confirmation of ownership of the premises or permission of the property owner, as applicable;
- b) proof of their principal residence of the property, which may include proof of homeowner grant, employer-issued pay stubs, voter registration, documentation showing receipt of provincial or federal government benefits, or income tax documentation, and a drivers licence or utility bill alone is insufficient proof of principal residence;
- c) the name, address and telephone number of one or two local contacts, other than the applicant, as an emergency contact; and
- d) proof of adequate parking pursuant to Zoning Bylaw No. 832, 2018 and a parking plan.

- 21.3.1 In considering an application for a *business license* for an STVR, B&B, or B&B Inn, the *licence inspector* may consider whether a *business licence* held by the applicant has been previously cancelled.

- (8) Section 21.4 is struck out and the following inserted in its place:

**Good Neighbour Agreement**

- 21.4. An applicant for an STVR, B&B, or B&B Inn *business licence* must sign a Good Neighbour Agreement, in a form approved by the *licence inspector*, prior to the *business licence* being issued.

- 21.4.1 The *licence inspector* may cancel a *business licence* for a violation of the Good Neighbour Agreement.

- (9) Section 21.5 is struck out.

- (10) Section 27.3 is struck out.
- (11) Schedule B is deleted.

**PUBLIC NOTIFICATION PROVIDED IN PIQUE NEWSMAGAZINE ON \_\_\_\_\_ AND \_\_\_\_\_.**

**READ A FIRST TIME** this \_\_\_\_ day of \_\_\_\_\_, 2024.

**READ A SECOND TIME** this \_\_\_\_ day of \_\_\_\_\_, 2024.

**READ A THIRD TIME** this \_\_\_\_ day of \_\_\_\_\_, 2024.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mike Richman  
Mayor

\_\_\_\_\_  
Gwendolyn Kennedy  
Corporate Officer

# **BUSINESS LICENCE BYLAW**

## **VILLAGE OF PEMBERTON**

### **BYLAW No. 855, 2019**

#### **CONSOLIDATED VERSION**



#### **LAST OFFICE CONSOLIDATION: August 30, 2022**

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](mailto:admin@pemberton.ca).

List of Amending Bylaws

BYLAW NO.	SECTION	DESCRIPTION	ADOPTED
<b>871, 2019</b>	Part 2 Part 13 Part 19 Schedule A	Definitions Refusal, Suspension or Cancellation Business Licence Exemptions FEES	November 19, 2019
<b>890, 2020</b>	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
<b>894, 2021</b>	Part 2  Part 7  Part 10 Parts 27, 28, and 29 Part 30 Fee Schedule	Definitions New sections 2.2 to 2.8 Authority to inspect Fee for follow-up inspections Application processing fee Legal wording moved to sections 2.2 to 2.8 Renamed to Part 27 Schedule A Replaced	April 27, 2021
<b>905, 2021</b>	Fee Schedule	Definitions amended Schedule A deleted and fees moved to Fees and Charges Bylaw. Schedule B renamed A Schedule C renamed B	July 27, 2021
<b>934, 2022</b>	2.1 4.4 8.4  8.5 10.8  Part 14 Part 15 17.3	Definitions Section reworded for clarity New section: change of ownership or principal residence, short-term vacation rental or bed and breakfast Requirements for a change to a licence Auxiliary licence not applicable to mobile vendor licences. Section reworded for clarity Section reworded for clarity Special event vendor licence	August 30, 2022

APPENDIX B

	Schedule A	Deleted	
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VILLAGE OF PEMBERTON  
BYLAW No. 855, 2019

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**Being a bylaw to provide for licensing of businesses in the Village of Pemberton**

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**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: INTERPRETATION** (*Amendment Bylaw No. 894, 202; Amendment Bylaw No. 905, 2021*)

- 2.1. In this Bylaw:

***Bed and Breakfast*** means the service of accommodation in the property of a property host, in exchange for a fee, that is provided to members of the public for a period of time of less than 90 consecutive days in which a maximum of two (2) bedrooms are available for accommodation in accordance with section 7.8 of Zoning Bylaw No. 832, 2018.

***Bed and Breakfast Inn*** means the service of accommodation in the property of a property host, in exchange for a fee, that is provided to members of the public for a period of time of less than 90 consecutive days in which a maximum of five (5) bedrooms are available for accommodation in accordance with section 7.9 of Zoning Bylaw No. 832, 2018.

***Building Official*** means the individual appointed to this role for the Village or their designate. (*Amendment Bylaw No, 894, 2021*)

***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.

## APPENDIX B

**Fees and Charges Bylaw** means Village of Pemberton Fees and Charges Bylaw No. 905, 2021. (Amendment Bylaw No. 905, 2021)

**Fire Chief** means the individual appointed to this role for the Village or their designate. (Amendment Bylaw No. 894, 2021)

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

**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. (Amendment Bylaw No. 934, 2022)

**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. (Amendment Bylaw No. 934, 2022)

**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.

**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. (Amendment Bylaw No. 934, 2022)

**Mobile food vendor** means a vendor, holding a valid business licence, that offers for sale food, confectionary, or beverage from a food truck. (Amendment Bylaw No. 934, 2022)

**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. (Amendment Bylaw No. 934, 2022)

**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.

**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. (Amendment Bylaw No. 934, 2022)

**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 service of accommodation in the property of a property host, in exchange for a fee, that is provided to members of the public for a period of time of less than 90 consecutive days but does not include a bed and breakfast, bed and breakfast inn, hotel, motel, or hostel. 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 Mobile Commercial Vendor** Deleted. (Amendment Bylaw No. 934, 2022)

**Ticket Information** means a municipal ticket information issued accordance with the Municipal Ticket Information Bylaw.

**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. (Amendment Bylaw No. 934, 2022)

**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. (Amendment Bylaw No. 894, 2021)
- 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*. (Amendment Bylaw No. 894, 2021)
- 2.4. Headings are for convenience only and must not be construed as defining or limiting the scope or intent. (Amendment Bylaw No. 894, 2021)
- 2.5. Words in the singular include the plural, and words in the plural include the singular. (Amendment Bylaw No. 894, 2021)
- 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. (Amendment Bylaw No. 894, 2021)
- 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. (Amendment Bylaw No. 894, 2021)
- 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. (Amendment Bylaw No. 894, 2021)

### **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 the *Fees and Charges Bylaw* has been paid. (Amendment Bylaw No. 905, 2021)
- 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. (Amendment Bylaw No. 934, 2022)
- 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. (Amendment Bylaw No. 934, 2022)
- 4.4.2 A *business licence* holder shall immediately notify the *Licence Inspector* of any suspension or cancellation of an approval. (Amendment Bylaw No. 934, 2022)
- 4.4.3 The *Licence Inspector* may suspend a *business licence* pending reinstatement of approvals. (Amendment Bylaw No. 934, 2022)
- 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*, *Bylaw Enforcement Officer*, *Building Official*, or *Fire Chief*, access at any reasonable hour to the *premises* from which a *business* is carried on. (Amendment Bylaw No. 894, 2021)
- 7.2. The *Licence Inspector*, *Bylaw Enforcement Officer*, *Building Official*, or *Fire Chief*, 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. (Amendment Bylaw No. 894, 2021)
- 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. (*Amendment Bylaw No. 894, 2021*)

- 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. (*Amendment Bylaw No. 894, 2021*)

**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. (*Amendment Bylaw No. 905, 2021*)
- 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.
- 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: (*Amendment Bylaw No. 934, 2022*)
- 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
  - c) the *business licence* shall be deemed to be canceled effective the date of the change.
- 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. (*Amendment Bylaw No. 934, 2022*)



**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. (Amendment Bylaw No. 905, 2021)
- 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. (Amendment Bylaw No. 905, 2021)
- 10.5 An applicant for a new *business licence* submitting the application between October 1<sup>st</sup> and December 31<sup>st</sup> will pay a reduced licence fee. (Amendment Bylaw No. 905, 2021)
- 10.6 An applicant for a cannabis retail *business licence* or a cannabis production facility business licence must pay a non-refundable application processing fee before the *business licence* application is accepted for review. (Amendment Bylaw No. 894, 2021) (Amendment Bylaw No. 905, 2021)
- 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. (Amendment Bylaw No. 905, 2021)
- 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. (Amendment Bylaw No. 934, 2022)
- 10.9 Fees and charges for services that are or may be provided under this Bylaw shall be payable as set out in the *Fees and Charges Bylaw*. (Amendment Bylaw No. 905, 2021)

**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 31<sup>st</sup> of the current calendar year. In the event the business fails to renew their *business licence* on or before January 31<sup>st</sup>, the business shall pay, in addition to the annual *business licence fee* for the renewal period, a Late Payment Fee. (Amendment Bylaw No. 890, 2020) (Amendment Bylaw No. 905, 2021)

**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: MOBILE COMMERCIAL VENDORS AND MOBILE FOOD VENDORS**  
(Amendment Bylaw No. 934, 2022)

**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.~~

## **PART 15: HOME OCCUPATIONS**

- 15.1. Deleted (Amendment Bylaw No. 934, 2022).
- 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. (Amendment Bylaw No. 934, 2022).
- 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. (Amendment Bylaw No. 934, 2022).
- 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. (Amendment Bylaw No. 934, 2022).

## **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. Deleted. (Amendment Bylaw No. 934, 2022).
- 17.3.1. A vendor participating in a special event must: (Amendment Bylaw No. 934, 2022).
- 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: (Amendment Bylaw No. 934, 2022).
- a) Comply with the operational requirements of a *mobile food vendor* or *mobile commercial vendor* set out in this bylaw, as applicable; and
  - b) Comply with all *Village* bylaws and policies.
- 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 RENTAL, BED AND BREAKFAST, BED AND BREAKFAST INN**

### **General Regulations**

- 21.1. The following regulations and requirements apply to a short-term vacation rental (STVR), bed and breakfast (B&B) and bed and breakfast inn (B&B Inn) business:
- a) A ~~short-term vacation rental~~ business licence is valid for one (1) dwelling unit only.
  - b) An ~~short-term vacation rental~~ operator of an STVR, B&B, or B&B Inn shall not advertise the ~~short-term vacation rental~~ business prior to the issuance of a business licence for that ~~short-term vacation rental~~ business.
  - c) Every advertisement for a ~~short-term vacation rental~~ STVR, B&B, or B&B Inn must disclose, in respect of the ~~Short-Term Vacation Rental~~ accommodation being advertised,

- i. a valid *business licence* number;
  - ii. the maximum permitted guest occupancy of the ~~short-term vacation rental~~accommodation 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~~accommodation 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~~accommodation 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~~accommodation 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~~an STVR, B&B, or B&B Inn is an addition to other requirements contained herein that are generally applicable to businesses.

### **Principal Residence Requirement**

21.2. An STVR, B&B, or B&B Inn operator must not operate an STVR, B&B, or B&B Inn unless the accommodation is located in:

- ~~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.a) the *principal residence* of the ~~short-term vacation rental~~ operator; or

- ~~ii-b)~~ a *secondary suite* that is in a detached dwelling where the *short-term vacation rental* operator has their *principal residence*.

### Application

21.3. Any person applying for a business licence for an STVR, B&B, or B&B Inn shall, at the time of applying, in addition to the general requirements under this bylaw, provide:

- ~~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-a)~~ confirmation of ownership of the premises or permission of the property owner, as applicable;

~~ii-b)~~ 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 receipt of provincial or federal government benefits, or income tax documentation, and a drivers licence or utility bill alone is insufficient proof of principal residence;

~~iii-c)~~ the name, address and telephone number of one or two local contacts, other than the applicant, as an emergency contact; and

~~iv-d)~~ proof of adequate parking pursuant to ~~the~~ Zoning Bylaw No. 832, 2018 and a parking plan.

~~b)~~ 21.3.1 In considering an application for a business license for an STVR, B&B, or B&B Inn, ~~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.

### Good Neighbour Agreement

21.4. An applicant for an STVR, B&B, and B&B Inn business licence must sign a Good Neighbour Agreement, in a form approved by the Licence Inspector, prior to the business licence being issued.

~~21.4. Good Neighbour Agreement~~

- ~~a)~~ All ~~short-term vacation rental~~ STVR, B&B, and B&B Inn 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)~~ 21.4.1 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 'B': (Amendment Bylaw No. 905, 2021)~~

<u>Neighbourhood</u>
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** (*Amendment Bylaw No. 894, 2021*)

**PART 28: MASCULINE/SINGULAR** (*Amendment Bylaw No. 894, 2021*)

**PART 29: BYLAW SHALL PREVAIL** (*Amendment Bylaw No. 894, 2021*)

**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 27.1 every order made under Business Licence Bylaw No. 842, 2018 and its amendments continue in effect.

~~27.3. Schedules 'A' and 'B' are attached to and form part of this bylaw and are enforceable in the same manner as this bylaw.~~ (*Amendment Bylaw No. 905, 2021*)

**READ A FIRST TIME** this 5<sup>th</sup> day of February, 2019.

**READ A SECOND TIME** this 5<sup>th</sup> day of February, 2019.

**READ A THIRD TIME** this 5<sup>th</sup> day of February, 2019.

**ADOPTED** this 19<sup>th</sup> day of February, 2019.

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Mike Richman  
Mayor

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Sheena Fraser  
Corporate Officer

**SCHEDULE A**

Deleted *(Amendment Bylaw No. 93343, 2022)*

**SCHEDULE B**

[Neighbourhood Allocation Cap Map](#)

[DELETED](#)