



REGULAR MEETING OF COUNCIL

AGENDA

DATE: Monday, February 20, 2017
TIME: 4:30 p.m.
LOCATION: Council Chambers, Enderby City Hall

1. APPROVAL OF AGENDA

2. ADOPTION OF MINUTES

[Regular Meeting Minutes of February 6, 2017](#) pg 3-7

3. PUBLIC AND STATUTORY HEARINGS

4. PETITIONS AND DELEGATIONS

5. DEVELOPMENT MATTERS

[0012-17-DVP-END](#) pg 8-15
Road Closed portion of Princess Street
Applicant: City of Enderby

6. BUSINESS ARISING FROM THE MINUTES AND/OR UNFINISHED BUSINESS

[Ride Sharing Services in Rural, Remote, and Small Communities](#) – Copy of letter
To Minister Fassbender and MLA Kylo dated February 8, 2017 pg 16

7. BYLAWS – Adoption

[Business License and Regulation Bylaw No. 1558, 2014 Amendment Bylaw No. 1622, 2017](#) pg 17
A bylaw to regulate mobile vendors within the City

[Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1623, 2017](#) pg 18
A bylaw to amend fees and charges bylaw

BYLAWS – 3 Readings

Retail of Marihuana and Medical Marihuana Production:

[Memo from Planner and Assistant Corporate Officer dated February 16, 2017](#) pg 19-26

[Business License and Regulation Bylaw No. 1558, 2014 Amendment Bylaw No. 1626, 2017](#) pg 27-31

[Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1627, 2017](#) pg 32

8. REPORTS

Mayor and Council

[Building Permit Detail Report – January 2017](#)

pg 33

9. NEW BUSINESS

- a. [Amendment to Mobile Vendor Policy](#) – Memo from Planner and Assistant
Corporate Officer dated February 15, 2017

pg 34-37

10. PUBLIC QUESTION PERIOD

11. CLOSED MEETING RESOLUTION

12. ADJOURNMENT

THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, February 6, 2017 at 4:30 p.m. in the Council Chambers of City Hall

Present: Mayor Greg McCune
Councillor Tundra Baird
Councillor Brad Case
Councillor Roxanne Davyduke
Councillor Raquel Knust
Councillor Shawn Shishido

Chief Administrative Officer – Tate Bengtson
Planner and Assistant Corporate Officer – Kurt Inglis
Recording Secretary – Bettyann Kennedy
The Press and Public

APPROVAL OF AGENDA

The following item was added to the agenda under New Business:

- Ride Sharing Services
- Digital Billboard Sponsorship Application – Enderby and District Youth Soccer Association

Moved by Councillor Baird, seconded by Councillor Case that the agenda be approved as amended.

Carried

ADOPTION OF MINUTES

Amendment to Adopted Minutes of October 17, 2016 – Memo from Clerk-Secretary dated January 26, 2017

Moved by Councillor Shishido, seconded by Councillor Baird that Council amend the October 17, 2016 adopted minutes as follows:

City of Enderby Emergency Program Bylaw no. 1616, 2016

A bylaw to establish an emergency program within the City of Enderby

Moved by Councillor Knust, seconded by Councillor Schreiner that City of Enderby Emergency Program Bylaw No. 1616, 2016 be adopted; *and*

THAT Mayor McCune, Councillors Schreiner and Baird, and the Chief Administrative Officer be appointed to the City of Enderby Emergency Program Executive Committee.

Carried

Regular Meeting Minutes of January 16, 2017

Moved by Councillor Baird, seconded by Councillor Shishido that the minutes of the regular meeting of January 16, 2017 be adopted as circulated.

Carried

PETITIONS AND DELEGATIONS

Enderby Artists' Initiative – Tatiana O'Donnell and Virginia Halper

Re: Poppy Mural

Ms. O'Donnell described the mural concept and Enderby Artists' Initiative's efforts to promote the project and raise funds:

- Colouring art cards being produced.
- Seeking funding from various organizations and business sponsorships.
- Asking for a \$3,000 contribution from the City.
- Empire Reproductions will be working with local high school students to create a time lapse video of the mural being created.
- Unveiling of the mural expected in June.
- Total cost for the mural will be \$13,000. A copy of the budget was circulated.

The Chief Administrative Officer stated that support of 'public art' is usually limited to art that is on public display. The north side of the Legion building faces directly into the gallery's courtyard, not the street. He provided Ms. O'Donnell with a Canada 150 grant opportunity that was still open for applications.

The request will be forwarded to the budget deliberation process.

BYLAWS - Adoption

Public Spaces Bylaw No. 1604, 2016 Amendment Bylaw No. 1621, 2017

A bylaw to ban smoking near playgrounds

Moved by Councillor Case, seconded by Councillor Shishido that Public Spaces Bylaw No. 1604, 2016 Amendment Bylaw No. 1621, 2017 be adopted.

Carried

BYLAWS – 3 Readings

Business License and Regulation Bylaw No. 1558, 2014 Amendment Bylaw No. 1622, 2017

A bylaw to regulate mobile vendors within the City

Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1623, 2017

A bylaw to amend fees and charges bylaw

Moved by Councillor Knust, seconded by Councillor Baird that Council adopt the Mobile Vendor Policy as presented.

Carried

Moved by Councillor Shishido, seconded by Councillor Knust that Council gives three readings to the City of Enderby Business License and Regulation Bylaw No. 1558, 2014 Amendment Bylaw No. 1622, 2017;

AND THAT Council gives notice of its intent to adopt Business License and Regulation Bylaw No. 1558, 2014 Amendment Bylaw No. 1622, 2017 by posting a notice on the public notice board at City Hall and provides an opportunity for persons who consider themselves affected by the proposed bylaw to make representations to Council at its regular meeting of February 20, 2017;

AND FURTHER THAT Council gives three readings to the City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1623, 2017.

Carried

REPORTS

Councillor Baird

- There is a Canada 150 meeting at 5:30 on February 22nd at the Chamber.
- Emergency Management Executive Committee meeting – a 5 year plan was approved, and a budget was also approved.
- Registrations are now open for the Heart and Stroke Big Bike event.

Chief Administrative Officer

The CAO reported that the works crew are coping with the heavy snow removal, but the weather patterns have been challenging. Contractors are being used to haul away accumulated snow.

RCMP Mayor's Quarterly Report – Q4 2016

Moved by Councillor Baird, seconded by Councillor Shishido that the report be received and filed.

Carried

RCMP Victims Assistance Quarterly Report – Q4 2016

Moved by Councillor Knust, seconded by Councillor Baird that the report be received and filed.

Carried

Disclosure of Council Contracts – Q4 2016

Moved by Councillor Shishido, seconded by Councillor Knust that the report be received and filed.

Carried

NEW BUSINESS

Reserved Parking Stalls for RCMP Visitors – Memo from Planner and Assistant Corporate Officer dated January 27, 2017

Moved by Councillor Baird, seconded by Councillor Case that Council approve the reserving of two parking stall lengths adjacent to the RCMP Detachment on Granville Avenue for use by RCMP visitors;

AND THAT Council give permission to the RCMP to install signs, at their expense, indicating that the parking stalls are reserved for use by RCMP visitors.

Carried

Emergency Overtime Compensation Policy – Memo from Chief Financial Officer dated January 25, 2017

Moved by Councillor Baird, seconded by Councillor Davyduke that Council adopt the Emergency Overtime Compensation Policy as presented.

Carried

Building Inspection 2016 Performance – Memo from Chief Administrative Officer dated February 2, 2017

Moved by Councillor Knust, seconded by Councillor Baird that the report be received and filed.

Carried

Late Item: Ride Sharing Services – Brief prepared by Chief Administrative Officer

Moved by Councillor Baird, seconded by Councillor Case that Council expresses its support to MLA Kylo, Minister Fassbender, and UBCM for the Government of BC to implement a viable, flexible, ride-sharing service regulation in BC, with attention given to regulatory solutions that will help solve those public transportation challenges that are unique to rural and remote communities.

Carried

Late Item: Digital Billboard Sponsorship Application – Enderby and District Youth Soccer Association – Memo from Planner and Assistant Corporate Officer dated February 6, 2017

Moved by Councillor Knust, seconded by Councillor Davyduke that Council approve the Enderby and District Youth Soccer Association's sponsorship application valued at \$2,800 in-kind.

Carried

PUBLIC QUESTION PERIOD

Jackie Pearase of Rivertalk presented four questions:

- Who is leading the youth soccer? The digital billboard applicant was Stacy Robinson.
- Building Inspection memo makes reference to "one new industrial facility likely" and queried who that would be. The CAO responded that it is premature to disclose the potential business.
- Will there be a Public Hearing regarding the mobile vendor policy? The CAO responded that there would be an opportunity for the public to make representations before Council at the next meeting.

- How is the snow removal budget doing? The CAO responded that the use of outside contractors and employee overtime will be the biggest hits to the budget, and that a lot of those costs have been incurred as part of the new fiscal year/budget.

ADJOURNMENT

Moved by Councillor Knust, seconded by Councillor Davyduke that the regular meeting adjourn at 5:05 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Agenda

**CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION**

File No: 0012-17-DVP-END

February 16, 2016

APPLICANT: City of Enderby

LEGAL DESCRIPTION: No Legal Description

PID #: No PID

LOCATION: 'Closed Road' portion of Princess Street as shown on the Reference Plan prepared by Mark Budgen dated November 7, 2014

PROPERTY SIZE: 0.077 ha (767.3 m²)

ZONING: Comprehensive Development - Seniors Housing Zone (CD.1)

PROPOSED VARIANCE: Vary Section 802.4 of Zoning Bylaw No. 1550, 2014 by reducing the minimum lot area to 700 square meters (7,535 square feet);

Vary Section 3.0, 4.0, and 5.0 of Schedule "A" and Schedule "B" of Subdivision Servicing and Development Bylaw No. 1278, 2000 by not requiring connection to a community water system, community sanitary sewer system, or a community storm drainage system;

Waive the lot frontage requirements of Section 802.6 of Zoning Bylaw No. 1550, 2014 to reduce the lot frontage of the newly created lot to 16 m (52.49 feet).

RECOMMENDATIONS:

THAT, subject to title being raised to the land, Council authorize the issuance of a Development Variance Permit for the 'Closed Road' portion of Princess Street as shown on the attached Reference Plan prepared by Mark Budgen dated November 7, 2014, to permit a variance to Section 802.4 of Zoning Bylaw No. 1550, 2014 by reducing the minimum lot area to 700 square meters (7,535 square feet);

And to permit variances to the following Sections of the Subdivision Servicing and Development Bylaw No. 1278, 2000:

- Section 3.0 of Schedule "A" and Schedule "B" by not requiring connection to a community water system;

- Section 4.0 of Schedule "A" and Schedule "B" by not requiring connection to a community sanitary sewer system; and
- Section 5.0 of Schedule "A" and Schedule "B" by not requiring connection to a community storm drainage system.

AND THAT, subject to title being raised to the land, Council waive the minimum lot frontage requirement of Section 802.6 of Zoning Bylaw No. 1550, 2014 for the 'Closed Road' portion of Princess Street as shown on the attached Reference Plan prepared by Mark Budgen dated November 7, 2014, by reducing the minimum lot frontage from 35 m (114.8 feet) to 16 m (52.49 feet);

AND THAT Council amends its resolution of November 17, 2014 by replacing the words "consolidated with the legally described property" with "linked to the aforementioned legally described property through a 'No Residential Building/No Transfer Covenant.'"

AND FURTHER THAT Council authorizes the Mayor and Corporate Officer to execute the related agreements and documents on behalf of the City to facilitate the disposal and transfer process.

BACKGROUND:

This report relates to a Development Variance Permit application for the 'Closed Road' portion of Princess Street as shown on the attached Reference Plan prepared by Mark Budgen dated November 7, 2014. The City is raising title to the 'Closed Road' portion of Princess Street for the purpose of transferring it to the Provincial Rental Housing Corporation (PRHC) so that the PRHC can meet the density and open space requirements of the CD.1 zone for the 33-unit Phase II expansion of the Memorial Terrace development (708 Granville Avenue); in order for title to be raised, the newly created lot must conform with the City's Zoning Bylaw and Subdivision Servicing and Development Bylaw.

Site Context

The 'Closed Road' portion of Princess Street is 767.3 m² in area and was initially dedicated as 'Road' as part of a subdivision in 2005 which created the 708 Granville Avenue (Memorial Terrace) and 500 George Street (Interior Health) lots. In 2014, in anticipation of the second phase of Memorial Terrace, the City of Enderby adopted Princess Street Road Closure and Removal of Dedication Bylaw No. 1563, 2014 which closed and cancelled the road dedication associated with this portion of Princess Street.

The 'Closed Road' portion of Princess Street and the property to the east (Memorial Terrace) are both zoned Comprehensive Development - Seniors Housing (CD.1). The properties to the north are zoned Residential Single Family (R.1-A) and Assembly, Civic and Public Service (S.1) and are designated in the Official Community Plan (OCP) as Residential Low Density and Institutional. The property to the west is zoned Residential Apartment and Multi-Family (R.3) and is designated in the OCP as Residential Medium Density. The properties to the south are zoned Residential Apartment and Multi-Family (R.3) and Assembly, Civic and Public Service (S.1) and are designated in the OCP as Residential Medium Density, Residential Low Density and Institutional.

The following map shows the zoning designation of the subject and surrounding properties:

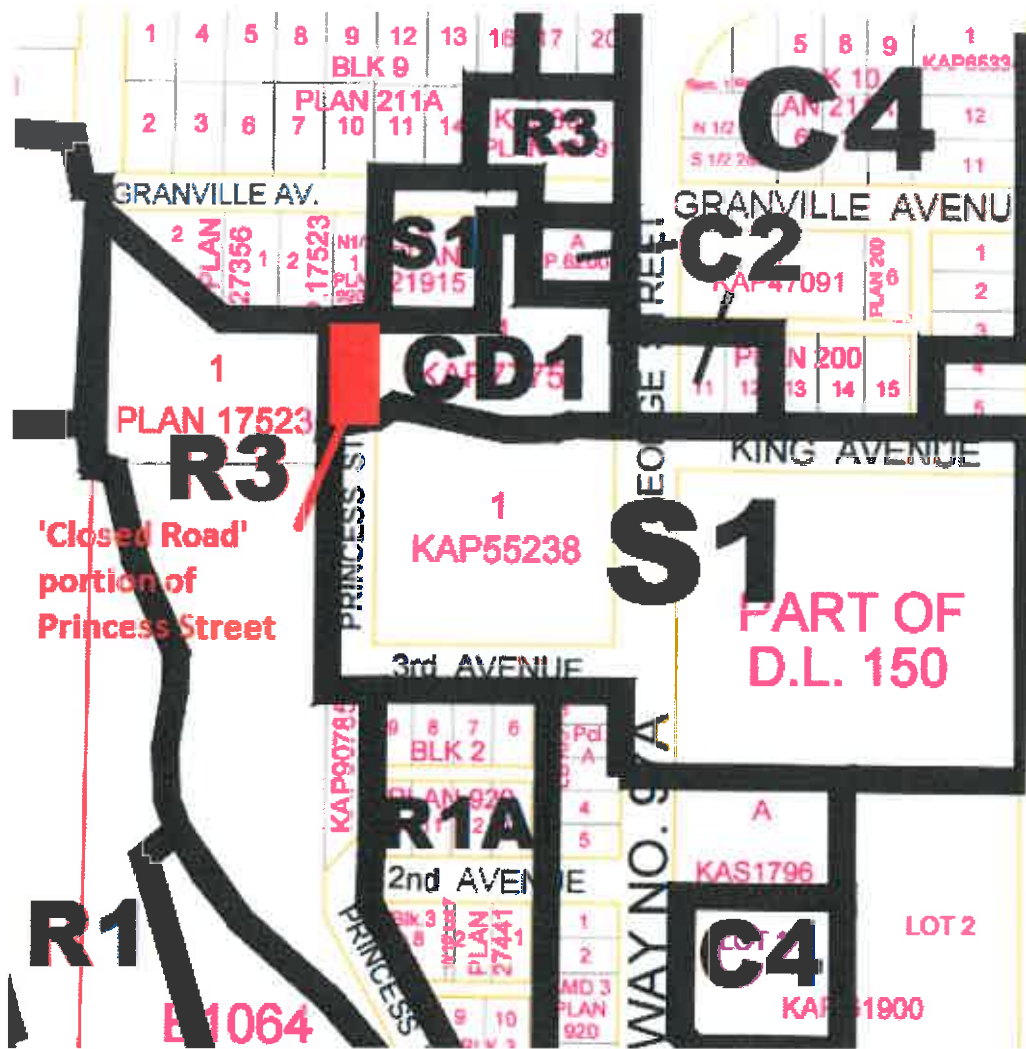


Figure 1: Zoning Map

The following orthophoto of the subject and surrounding properties was taken in 2011:



Figure 2: Orthophoto

The Proposal

The Provincial Rental Housing Corporation is proposing a 33-unit Phase II expansion of an existing 15-unit supportive seniors housing development, Enderby Memorial Terrace (708 Granville).

Given that the lot area of 708 Granville Avenue is insufficient for PRHC to meet the density and open space requirements of the CD.1 zone for Phase II of the Memorial Terrace development, the City has agreed to raise title to the adjacent 'Closed Road' portion of Princess Street for the purpose of transferring it to PRHC. This transfer would be subject to the PRHC registering a 'No Residential Building/No Transfer Covenant' over the newly created lot, thus linking it to 708 Granville Avenue; this

ensures that the parcel cannot be developed or transferred independent of 708 Granville Avenue, and would have largely the same effect as consolidating the two lots.

In order to raise title to the 'Closed Road' portion of Princess Street, the newly created lot must be in conformance with the City's Zoning Bylaw and Subdivision Servicing and Development Bylaw. The newly created lot does not conform with the minimum lot frontage and minimum lot area provisions of the Zoning Bylaw, nor the servicing requirements of the City's Subdivision Servicing and Development Bylaw. In order to make the newly created lot conforming, the City is proposing the following variances:

- Section 802.4 of Zoning Bylaw No. 1550, 2014 by reducing the minimum lot area to 700 square meters (7,535 square feet);
- Section 3.0 of Schedule "A" and Schedule "B" of Subdivision Servicing and Development Bylaw No. 1278, 2000 by not requiring connection to a community water system;
- Section 4.0 of Schedule "A" and Schedule "B" of Subdivision Servicing and Development Bylaw No. 1278, 2000 by not requiring connection to a community sanitary sewer system; and
- Section 5.0 of Schedule "A" and Schedule "B" of Subdivision Servicing and Development Bylaw No. 1278, 2000 by not requiring connection to a community storm drainage system.

The City is also seeking a lot frontage waiver to allow the minimum frontage of the newly created lot to be reduced from 35 m (114.8 feet) to 16 m (52.49 feet).

ZONING BYLAW:

The subject property is zoned Comprehensive Development - Senior's Housing (CD.1) and the only use permitted within this zone is seniors housing. The proposal as compared to the CD.1 zone requirements is as follows:

CRITERIA	PROPOSAL	ZONE REQUIREMENTS
Lot Area (min.)	767.3 m ² (8,259 square feet)	4,930 m ² (53,068 square feet)
Lot Coverage (max.)	N/A	50%
Lot Frontage (min.)	16 m (52.49 ft)	35 m (114.8 ft)
Setbacks (min.)		
- Front Yard	N/A	7 m (22.96 feet)
- Rear Yard	N/A	10 m (32.81 feet)
- Exterior Side Yard	N/A	8 m (26.25 feet)
- Side Yard	N/A	8 m (25.25 feet)

OFFICIAL COMMUNITY PLAN:

Policies contained within the Official Community Plan which apply to this development include:

- Policy 2.2.c - To maintain and enhance the social well-being, development, and the quality of life for all citizens of Enderby.
- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.

- Policy 4.4.b - Pursuant to Section 904 of the *Local Government Act*, Council may apply the Density Bonusing provisions set out in Sections 10 and 11 of this Bylaw to secure affordable or special needs housing.
- Policy 4.4.c - Council will encourage and support a spectrum of housing choices throughout the community, including secondary suites, in order to meet the diverse housing needs of residents.
- Policy 5.3.f - Council will develop strategies and tools to encourage and facilitate infill and redevelopment within existing developed areas of the community.
- Policy 8.3.i - Council will employ Smart Growth principles in future development.
- Policy 8.3.l - Council will support alternative infrastructure standards and urban design principles which promote environmental, economic, and social sustainability.
- Policy 10.3.c - Housing for the community's seniors within the Medium Density Residential designation to a maximum of 15% of the total allowable dwelling units will be permitted without being included in the density calculation.

REFERRAL COMMENTS:

The subject application was referred to the City of Enderby Public Works Manager, Building Inspector, and Fire Chief.

No comments were received in response to the referral.

PLANNING ANALYSIS:

The City of Enderby Planner raises no objections to the applicant's request to vary Section 802.4 of Zoning Bylaw No. 1550, 2014 by reducing the minimum lot area to 700 square meters (7,535 square feet), and to waive the minimum lot frontage requirement by allowing the frontage of the newly created lot to be reduced from 35 m (114.8 feet) to 16 m (52.49 feet), for the following reasons:

- Given that the registration of a 'No Residential Building/No Transfer Covenant' will restrict the 'Closed Road' portion of Princess Street from being developed or transferred independent of 708 Granville Avenue, the lots are effectively consolidated and, if treated as consolidated, the existing frontage and lot area are more than sufficient to meet the bylaw requirement; and
- It is not anticipated that the proposed variance and lot frontage waiver would have a negative impact on the use and enjoyment of the subject or neighbouring properties.

The City of Enderby Planner raises no objections to the applicant's request to vary Sections 3.0, 4.0, and 5.0 of Schedule "A" and Schedule "B" of the Subdivision Servicing and Development Bylaw No. 1278, 2000 by not requiring connection to a community water system, community sanitary sewer system, or community storm drainage system, for the following reasons

- Given that the registration of a 'No Residential Building/No Transfer Covenant' will restrict the 'Closed Road' portion of Princess Street from being developed or transferred independent of 708 Granville Avenue, there will be no servicing demands associated with the newly created lot; and
- It is not anticipated that the proposed variances would have a negative impact on the use and enjoyment of the subject or neighbouring properties.

SUMMARY

This report relates to a Development Variance Permit application for the 'Closed Road' portion of Princess Street as shown on the attached Reference Plan prepared by Mark Budgen dated November 7, 2014. The City is raising title to the 'Closed Road' portion of Princess Street for the purpose of transferring it to the Provincial Rental Housing Corporation (PRHC) so that the PRHC can meet the density and open space requirements of the CD.1 zone for the 33-unit Phase II expansion of the Memorial Terrace development; this transfer would be subject to the PRHC registering a 'No Residential Building/No Transfer Covenant' over the newly created lot, thus linking it to 708 Granville Avenue and ensuring that the parcel cannot be developed independently.

In order for title to be raised to the land, the newly created lot must conform to the City's Zoning Bylaw and Subdivision Servicing and Development Bylaw; given this, a number of variances and a lot frontage waiver are being proposed.

The City of Enderby Planner is supportive of the proposed variances and requested lot frontage waiver.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner and Assistant Corporate Officer

Reviewed By:

Tate Bengtson
Chief Administrative Officer

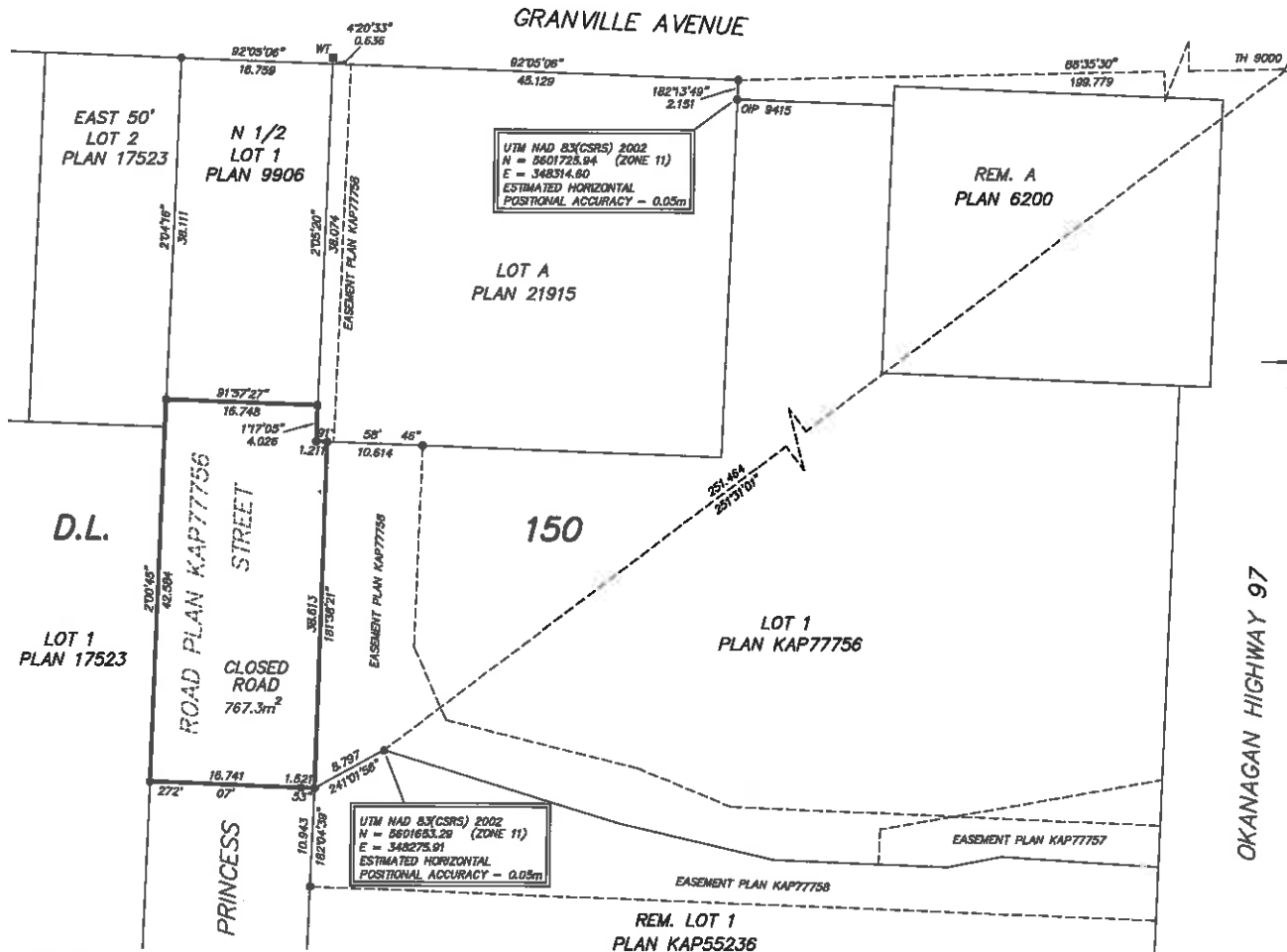
REFERENCE PLAN TO ACCOMPANY CITY OF ENDERBY BYLAW "PRINCESS STREET ROAD CLOSURE BYLAW NO. 1563, 2014" CLOSING ROAD AND CANCELING THE DEDICATION OF HIGHWAY DEDICATED BY PLAN KAP77756 WITHIN DISTRICT LOT 150 KAMLOOPS DIVISION YALE DISTRICT

PLAN EPP46625

PURSUANT TO SECTION 120 OF THE LAND TITLE ACT, AND SECTION 40 OF THE COMMUNITY CHARTER.



SCALE: 1:400
THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY 560mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:400



LEGEND

GRID BEARINGS ARE DERIVED FROM GNSS OBSERVATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN OF ZONE 11. TO OBTAIN LOCAL ASTRONOMIC BEARINGS REFERRED TO THE MERIDIAN THROUGH OIP 9415, SUBTRACT 1° 39' 13" FROM GRID BEARINGS.

THE UTM COORDINATES AND ESTIMATED HORIZONTAL POSITIONAL ACCURACY ACHIEVED ARE DERIVED FROM SINGLE POINT POSITIONING TECHNIQUES USING THE PRECISE POINT POSITIONING (PPP) SERVICE OF NATURAL RESOURCES CANADA.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.999928847. THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED BASED ON AN ELLIPSOIDAL ELEVATION OF 345 METRES.

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.

- DENOTES STANDARD IRON POST FOUND
- DENOTES STANDARD IRON POST PLACED
- DENOTES STANDARD LEAD PLUG FOUND
- △ DENOTES TRAVERSE HUB PLACED
- TH DENOTES TRAVERSE HUB
- OIP DENOTES OLD IRON PIN

NOTE:
THIS PLAN SHOWS ONE OR MORE WITNESS POSTS WHICH ARE NOT SET ON THE TRUE CORNER(S).

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NORTH OKANAGAN.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 7th DAY OF NOVEMBER, 2014

MARK SANFORD BUDGEN, BCLS [656]

ECP No. 167723

MONASHEE SURVEYING - GEOMATICS

8710A 28th Street Vernon, B.C. Y1T 0K8 Tel: (250) 845 8880 Fax: (250) 845 8912

FILE: 6202
DRAWING: 6202 REF EPP46625.DWG



Agenda
- Matters Arising

619 Cliff Avenue
P. O. Box 400
Enderby, B. C. V0E 1V0

The Corporation of the City of Enderby
Where the Shuswap Meets the Okanagan

Tel: (250) 838-7230
Fax: (250) 838-6007
Website: www.cityofenderby.com

February 8, 2017

COPY

Minister of Community, Sport and
Cultural Development
Minister Responsible for Translink
PO Box 906 Stn Prov Govt
Victoria, BC V8W 9E2

Greg Kylo, MLA
Shuswap
202A – 371 Alexander Street NE
PO Box 607
Salmon Arm, BC V1E 4N7

Dear Minister Fassbender and MLA Kylo:

Re: Ride Sharing Services in Rural, Remote, and Small Communities

At Council's meeting on February 6, 2017, it discussed the potential benefits of ride sharing services for rural, remote, and small communities such as Enderby. Council unanimously resolved as follows:

THAT Council expresses its support to MLA Kylo, Minister Fassbender, and UBCM for the Government of BC to implement a viable, flexible, ride-sharing service regulation in BC, with attention given to regulatory solutions that will help solve those public transportation challenges that are unique to rural and remote communities.

While discussion of ride sharing services in BC has been framed within a heavily urbanized context, Council wishes to emphasize that transportation problems in rural, remote, and small communities are distinct. In these communities, public and private transportation options are often limited and, where they do exist, often unattainable or inconvenient for many residents. Council supports a regulatory framework which responds to the needs of small communities by enabling ride sharing services to resolve long-standing transportation problems. This would have an extremely positive quality of life impact upon residents. It would also encourage economic development by connecting rural, remote, and small community residents to an emergent form of entrepreneurialism with tremendous potential.

Council encourages the Government of BC to regulate ride sharing services in a manner that fosters innovative private-sector solutions to the transportation challenges that affect rural, remote, and small communities. Council sees this distinct challenge as one that, with a proper regulatory framework in place, could become an exciting opportunity.

Sincerely yours,

Tate Bengtson
Chief Administrative Officer
On behalf of Mayor and Council for the City of Enderby

CC: UBCM

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1622

A BYLAW TO AMEND THE CITY OF ENDERBY BUSINESS LICENSE AND REGULATION
BYLAW NO. 1558, 2014

WHEREAS Council of the City of Enderby has adopted "The City of Enderby Business License and Regulation Bylaw No. 1558, 2014";

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "City of Enderby Business License and Regulation Bylaw No. 1558, 2014 Amendment Bylaw No. 1622, 2017".
2. *Section 4 - Licensing Regulations* of "City of Enderby Business License and Regulation Bylaw No. 1558, 2014" is hereby amended by including Section 4.a.vi as follows:
 - vi. The license period for a Mobile Vendor shall commence on the date that the application for a license, or license renewal, is approved and terminate on December 31, on each and every year this bylaw is in effect. An application for a license, or license renewal, is not required until such time as the Mobile Vendor has received approval to operate on a property, public space, boulevard, or highway owned or otherwise controlled by the City of Enderby or Enderby & District Services Commission for that calendar year.

READ a FIRST time this 6th day of February, 2017.

READ a SECOND time this 6th day of February, 2017.

READ a THIRD time this 6th day of February, 2017.

ADOPTED this day of , .

MAYOR

CHIEF ADMINISTRATIVE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1623

A BYLAW TO AMEND FEES AND CHARGES BYLAW NO. 1479, 2010

WHEREAS Council of the City of Enderby has adopted "The City of Enderby Fees and Charges Bylaw No. 1479, 2010";

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "The City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1623, 2017".
2. Schedule "1" of the "City of Enderby Fees and Charges Bylaw No. 1479, 2010" is hereby amended by including Section 3 (o) as follows:
 - (o) Annual Rental Fee for Mobile Vendor
Operating on Public Property \$100

READ a FIRST time this 6th day of February, 2017.

READ a SECOND time this 6th day of February, 2017.

READ a THIRD time this 6th day of February, 2017.

ADOPTED this day of , .

MAYOR

CHIEF ADMINISTRATIVE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner and Assistant Corporate Officer
Date: February 16, 2017
Subject: Retail of Marihuana and Medical Marihuana Production

RECOMMENDATION

THAT Council gives three readings to the City of Enderby Business License and Regulation Bylaw No. 1558, 2014 Amendment Bylaw No. 1626, 2017;

AND THAT Council gives notice of its intent to adopt Business License and Regulation Bylaw No. 1558, 2014 Amendment Bylaw No. 1626, 2017 by posting a notice on the public notice board at City Hall and provides an opportunity for persons who consider themselves affected by the proposed bylaw to make representations to Council at its regular meeting of March 6, 2017;

AND THAT Council gives three readings to the City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1627, 2017;

AND FURTHER THAT Council directs Staff to prepare a bylaw to amend the City of Enderby Zoning Bylaw No. 1550, 2014 in order to regulate medical marihuana production, consistent with the *Access to Cannabis for Medical Purposes Regulations (ACMPR)*, and marihuana-related businesses.

BACKGROUND

Given the anticipated evolution of the federal regulation of marihuana, there is a need to provide certainty with regards to the retail of marihuana. While the retail of marihuana is illegal under the Criminal Code, prospective owners of dispensaries and Compassion Clubs are making inquiries and endeavouring to secure locations in anticipation of legalization.

Business license applications for the retail of marihuana have and will continue to be denied on the grounds that this use is not legal. However, the proactive creation of a regulatory framework for the retail of marihuana will provide certainty to this sector about where and on what conditions it may be permitted, if and when legalization occurs.

In order to provide certainty to a sector that is beginning to develop in anticipation of upcoming changes to federal regulations, Staff are proposing a business licensing regime for the retail of marihuana to manage anticipatory and speculative development for the purposes of market position; the key elements of this proposed approach are:

1. It maintains the current practice of not allowing land and business uses in contravention of the Criminal Code (i.e. Business License applications for the retail of marihuana will continue to be denied on the grounds that the use is illegal);
2. It provides clear guidelines to prospective owners of marihuana retail operations about where and on what conditions such operations will be permitted, subject to compliance with the law;
3. It provides a clear basis on which Staff may refuse a business license application, for which the Business License Inspector must provide reasons to the applicant upon request; and
4. The regulatory requirements are similar to those used by other communities throughout the province such as Nelson, Squamish, Victoria and Vancouver.

With regards to *medical* marihuana, the City of Enderby Zoning Bylaw currently regulates medical marihuana production facilities operating under the *Marihuana for Medical Purposes Regulations* (MMPR), which have since been replaced by the *Access to Cannabis for Medical Purposes Regulations* (ACMPR); given that the new regulatory framework has significantly broadened the opportunities for medical marihuana production (including permitting production of marihuana in and outside of residences), which in turn may have a significant impact on the community in terms of neighbourhood conflicts and nuisances, there is a need to amend the City's Zoning Bylaw such that local regulations related to medical marihuana production are responsive to the current context; furthermore, this amendment to City's Zoning Bylaw should also incorporate regulations for marihuana-related businesses, in anticipation of legalization.

History

Medical Marihuana

Between 2001 and March 31, 2014, Health Canada had administered the *Marihuana for Medical Access Program* (MMAP) which granted access to marihuana for medical use. Under this program, those in need applied to Health Canada for an 'Authorization to Possess Marihuana for Medical Purposes' and once they receive this authorization, they could obtain medical marihuana by:

1. Accessing Health Canada's supply of dried marihuana;
2. Producing their own supply of dried marihuana through a Personal-Use Production Licence; or
3. Designating another person to produce a supply of dried marihuana for them through a Designated-Person Production Licence.

Following stakeholder consultations, the Government of Canada opted to revise its regulations; the Government brought the new *Marihuana for Medical Purposes Regulations* (MMPR) into force in June of 2013. The MMAP and MMPR were run concurrently until March 31, 2014 when the MMAP officially ended.

The MMPR aimed to treat marihuana as much as possible like any other drug used for medical purposes by creating conditions for a regulated, commercial production industry.

The Federal Court of Canada's February 2016 decision in *Allard v. Canada* found that requiring individuals to get their marijuana only from licensed producers violated Section 7 of the Canadian Charter of Rights and Freedoms; the Court found that individuals who require marijuana for medical purposes did not have 'reasonable access' under the MMPR, at least at that time.

On August 11, 2016, Health Canada announced the new *Access to Cannabis for Medical Purposes Regulations* (ACMPR). These regulations replace the MMPR and came into force on August 24, 2016. The ACMPR is similar to the MMPR in that it sets out a framework for commercial production by licensed producers responsible for the production and distribution of quality-controlled fresh or dried marijuana or cannabis oil or starting materials (i.e. marijuana seeds and plants) in secure and sanitary conditions; however, under the ACMPR, Canadians who have been authorized by their health care practitioners to access cannabis for medical purposes will also be able to produce a limited amount of cannabis for their own medical purposes, or designate someone to produce it for them, much like what was permitted under the MMAP.

Legalization and Regulation of Marijuana

In the 2015 Speech from the Throne, the Government of Canada committed to legalizing, regulating and restricting access to marijuana more broadly. The Minister of Justice and Attorney General of Canada, supported by the Minister of Public Safety and Emergency Preparedness and the Minister of Health, created a Task Force on Marijuana Legalization and Regulation ("the Task Force"). The Task Force was mandated to consult and provide advice on the design of a new legislative and regulatory framework for legal access to cannabis, consistent with the Government's commitment to legalize, regulate, and restrict access.

Following the consultations, the Task Force developed a final report on cannabis legalization titled '*A Framework for the Legalization and Regulation of Cannabis in Canada*'; this report included recommendations to the federal government on a regulatory system which minimizes harm, establishes a safe and responsible supply chain, enforces public safety and protection, and ensures medical access.

This final report is evidence that the legalization and regulation of marijuana is not a case of 'if' but 'when and how'. In that respect, a proactive approach to ensuring the industry fits into the community of Enderby is critical.

Current Context of Retail of Marijuana

The City of Enderby Business License and Regulation Bylaw No. 1558, 2014 states that all license holders shall be subject to the provisions of the City's bylaws and applicable Provincial and Federal statutes and regulations; given this, business license applications for the retail sale of marijuana will continue to be denied on the grounds that this use is illegal.

Given the evolving regulatory landscape, local governments are trying to find the best approach to address dispensaries and other forms of marihuana retail. This tends to vary with the community context.

Several different approaches have been taken by local governments in addressing this issue. A few local governments have introduced bylaws regulating the businesses, although this does not affect law enforcement's Criminal Code responsibilities, which remain unchanged. Other communities have taken a prohibitive approach, deeming the businesses to be non-conforming and illegal and using enforcement powers and court remedies. Staff are proposing that the Business License and Regulation Bylaw be amended to implement a business licensing regime which endeavours to strike a middle ground by providing certainty to an industry that is beginning to develop in anticipation of upcoming changes to federal regulations, while continuing to deny business license applications until such time as those regulations change. The proposed approach would:

1. Maintain the current practice of not allowing land and business uses in contravention of the Criminal Code; and
2. Provide clear guidelines to prospective owners of marihuana retail operations about where and on what conditions such operations will be permitted, subject to compliance with the Criminal Code.

The intent of this approach is to ensure that commercial investment in anticipation of federal regulatory changes occurs in a manner that is consistent with neighbourhood contexts, land use policy, and regulations at the municipal level. It is also designed to ensure that there is no 'slippage' of retail marihuana uses into inappropriate neighbourhoods as federal regulations change (or loopholes within the existing regulations are exploited), such that the use may be 'grandfathered' as a legally non-conforming use under the City's Zoning Bylaw. Finally, it provides a clear basis on which Staff may refuse a business license application, for which the Business License Inspector must provide reasons to the applicant upon request.

Proposed Business Licensing Regime for Retail of Marihuana

The proposed business licensing regime for the retail of marihuana is consistent with the approaches taken in other communities throughout the province such as Nelson, Squamish, Victoria and Vancouver; the critical difference between the proposed approach and approaches taken by other communities is that City of Enderby would only issue a Business License if the applicant is able to demonstrate that the proposed use is lawful under all applicable Provincial and Federal statutes and regulations.

The key elements of the proposed business licensing regime are:

1. Reducing Neighbourhood Conflict and Ensuring Public Safety:

For the purposes of the Business License and Regulation Bylaw, a marihuana-related business would be defined as, "a business, not-for-profit, charity, cooperative, shared economy venture, or other entity which uses a premises for the consumption, display, storage, sale, trade or other

exchange of marihuana or marihuana-containing products, including but not limited to dispensaries and compassion clubs."

In order to reduce the potential for neighbourhood conflict and to ensure public safety, Staff are proposing that the Business License and Regulation Bylaw include a number requirements for marihuana-related businesses, including:

- Prohibiting the marihuana-related business from being located within 100 meters of any residential zone, daycare facility, preschool, playground, community centre, school, public park, civic or religious institution or any use catering to individuals under the age of 18;
- Prohibiting a person under 19 years of age from entering or remaining on the premises of the marihuana-related business unless accompanied by a parent or guardian;
- Setting restrictions on times when the marihuana-related businesses would be permitted to operate (8:00 am - 7:00 pm);
- Not permitting consumption of marihuana on the premises of the marihuana-related business;
- Requiring the installation and maintenance of an air filtration system that effectively minimizes odour;
- Requiring the installation of video surveillance cameras that monitor all entrances and exits and the interior of the marihuana-related business;
- Requiring a security plan for the premises to ensure that adequate security measures are in place to mitigate risk of theft or robbery;
- Requiring a security and fire alarm contract that includes monitoring at all times during the period for which the licence is being sought;
- Requiring a current police information check for the applicant, each shareholder/officer/director if applicant is a corporation, and each on-site manager;
- Requiring proof of ownership or legal possession of the premises on which the marihuana-related business is to operate;
- Prohibiting the display of items related to marihuana consumption, or advertising or promotion of the use of marihuana, which may reasonably be seen or heard by a minor who is outside the premises; and
- Restricting signs to only those which do not display images and only contain alpha-numeric characters and the marihuana-related business name.

2. Annual Business Licensing:

Currently under the City of Enderby Business License and Regulation Bylaw No. 1558, 2014, businesses are required to obtain a perpetual business license in order to operate within the community. It would be more appropriate to have an annual business licensing requirement for marihuana-related businesses to ensure taxpayers are not bearing the cost burden associated with this sector, which will be considerably higher than most other types of businesses.

3. Annual Business License Fee:

Staff are recommending an annual license fee of \$5,000 which is consistent with Penticton and Nelson, and is reflective of anticipated costs.

It should also be noted that Staff have used the policy direction that was given by Council during the development of the MMPR Zoning provisions in 2014, in order to provide regulatory consistency. These regulations can be strengthened or relaxed over time as the regulatory landscape at the federal level becomes more clear.

Current Context of Medical Marihuana Production

In response to the implementation of the federal *Marihuana for Medical Purposes Regulations* (MMPR), which created conditions for a regulated, commercial medical marihuana production industry, the City of Enderby adopted a set of Zoning provisions in 2014 in order to regulate medical marihuana production facilities; a Medical Marihuana Production Facility (MMPF) is defined in the Zoning Bylaw as:

"A facility used for the production, manufacturing, processing, testing, packaging, and distribution of marihuana and marihuana products for medical purposes as lawfully permitted and authorized through a licence under the Federal Marihuana for Medical Purposes Regulations and which would be considered a business for the purposes of the City of Enderby Business License Regulation Bylaw."

These Zoning regulations only permitted MMPFs on properties located in the Agricultural Land Reserve with a minimum lot area of 5 hectares (12.355 acres); furthermore, all uses were required to occur entirely within an enclosed, standalone building and all buildings were required to be sited a minimum of 30 metres from all property lines and 150 metres of any residential zone, daycare facility, playground, community centre, school, public park, or any use catering individuals under the age of 18.

On August 11, 2016, Health Canada announced the new *Access to Cannabis for Medical Purposes Regulations* (ACMPR) which were designed to provide an immediate solution to address the Allard v. Canada Court judgement. These regulations replaced the MMPR and came into force on August 24, 2016; the ACMPR contain four parts:

- Part 1 is similar to the MMPR. It sets out a framework for commercial production by licensed producers responsible for the production and distribution of quality controlled fresh or dried

marihuana or cannabis oil or starting materials (i.e. marihuana seeds and plants) in secure and sanitary conditions.

- Part 2 is similar to the former MMAR regime. It sets out provisions for individuals to produce a limited amount of cannabis for their own medical purposes or to designate someone to produce it for them.
- Parts 3 and 4 contain transitional provisions, consequential amendments to other regulations that referenced the MMPR, and provisions repealing the MMPR and setting out the coming into force of the ACMPR on August 24, 2016.

Under the ACMPR, Health Canada is now accepting applications from individuals who wish to register to produce a limited amount of cannabis for their own medical purposes or to designate someone to produce cannabis for them. Individuals with a medical need, and who have the authorization of their health care practitioner, are now be able to access cannabis in three ways: they can continue to access quality-controlled cannabis by registering with licensed producers, they can register with Health Canada to produce a limited amount for their own medical purposes, or they can designate someone else to produce it for them.

Those wishing to produce a limited amount of marihuana, or those who have been designated to produce marihuana for someone else, are permitted to grow the plants within or outside their residence or in an alternate location (with the owner's consent). There can be 4 registrations for the production of cannabis at the same location, although growers are only allowed to take care of the plants that they are registered to grow. A designated person is permitted to produce for a maximum of two individuals including him/herself. The ACMPR have formulas that indicate how many plants can be grown and how much cannabis can be stored, based on the daily quantity of dried marihuana authorized in the registered person's medical document.

Although there are limits on the number of registrations for medical marihuana production at a single location, and there are caps on the number of plants that can be grown under each registration, the ACMPR has in effect de-centralized the production of medical marihuana which could have significant impacts on communities at the neighbourhood level.

Proposed Regulatory Framework for Medical Marihuana Production and Marihuana-Related Businesses

Given that this new federal framework has broadened the opportunities for medical marihuana production (including permitting production of marihuana in and outside of residences), which may have a significant impact on the community in terms of neighbourhood conflicts and nuisances (odour, security concerns, etc.), it is recommended that Council directs Staff to prepare a bylaw to amend the City of Enderby Zoning Bylaw No. 1550, 2014 such that local regulations related to medical marihuana production are responsive to the current context and are aligned with the existing federal regulatory framework. Furthermore, it is recommended that the bylaw to amend the City of Enderby Zoning Bylaw

No. 1550, 2014 also encompasses the regulation of marihuana-related businesses; such regulations could relate to restricting which zones a marihuana-related businesses use could occur in (should this use be legalized), setbacks from particular uses such as schools and playgrounds, siting and dimensions of buildings, etc.

Staff anticipate that the process of updating the zoning regulations would be integrated into the City's regular Zoning Bylaw review which is scheduled for the spring of 2017.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Kurt Inglis', is written over a horizontal line.

Kurt Inglis

Planner and Assistant Corporate Officer

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1626

A BYLAW TO AMEND THE CITY OF ENDERBY BUSINESS LICENSE AND REGULATION
BYLAW NO. 1558, 2014

WHEREAS Council of the City of Enderby has adopted "The City of Enderby Business License and Regulation Bylaw No. 1558, 2014";

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "City of Enderby Business License and Regulation Bylaw No. 1558, 2014 Amendment Bylaw No. 1626, 2017".
2. *Section 2 - Definitions* of "City of Enderby Business License and Regulation Bylaw No. 1558, 2014" is hereby amended by including the following definitions:

"Marihuana" means all parts of the genus cannabis whether growing or not and the seed or clone of such plants.

"Marihuana-Related Business" means a business, not-for-profit, charity, cooperative, shared economy venture, or other entity which uses a premises for the consumption, display, storage, sale, trade or other exchange of marihuana or marihuana-containing products, including but not limited to dispensaries and compassion clubs.
3. *Section 4 - Licensing Regulations* of "City of Enderby Business License and Regulation Bylaw No. 1558, 2014" is hereby amended by including Section 4.a.vii as follows:
 - vii. The license period for a Marihuana-Related Business shall be one (1) year, to commence on January 1 and to terminate on December 31, on each and every year this bylaw is in effect. An application for a license renewal for a Marihuana-Related Business must be received by the City by December 15th in each calendar year.
4. *Section 5 - Business Regulations* of "City of Enderby Business License and Regulation Bylaw No. 1558, 2014" is hereby amended by including Section 5.i as follows:
 - i. Marihuana-Related Business:
 - i. No Marihuana-Related Business shall operate in the City of Enderby without first having obtained a license.
 - ii. Every person who makes application for a license to operate a Marihuana-Related Business must demonstrate that the proposed use is lawful under all applicable Provincial and Federal statutes and regulations.

iii. A person applying for the issuance or renewal of a license to carry on a Marihuana-related Business must:

- a) make application to the License Inspector on the form provided for that purpose;
- b) pay to the City the applicable license fee under the City of Enderby Fees and Charges Bylaw No. 1479, 2010, as amended from time to time;
- c) provide a security plan for the premises that, in the opinion of the License Inspector, describes adequate security measures to mitigate risk of theft or robbery at the premises;
- d) provide proof of a security and fire alarm contract that includes monitoring at all times during the period for which the license is being sought;
- e) provide proof of ownership or legal possession of the premises;
- f) provide a current police information check for:
 - 1. the applicant;
 - 2. if the applicant is a corporation, each shareholder, officer and director; and
 - 3. each on-site manager; and
- g) provide any other documents required by the License Inspector.

iv. The License Inspector may suspend or refuse to issue or renew a license for a Marihuana-Related Business if:

- a) the applicant or licensee, or a shareholder, officer, director or on-site manager of the applicant or licensee:
 - 1. was convicted anywhere in Canada of an offence involving dishonesty;
 - 2. was convicted, found guilty of, or liable for any contravention or offence relating to the conduct of a business similar to that to which the license relates;
 - 3. was convicted, found guilty of, or liable for any contravention or offence, in Enderby, against this bylaw or against any bylaw authorizing the issuance of a business license or regulating the conduct of a business; or
 - 4. was guilty of misrepresentation, nondisclosure or concealment of any material fact, relating to the subject

matter of the license or required to be stated in, the application.

- v. A license holder for a Marihuana-Related Business must:
 - a) install video surveillance cameras that monitor all entrances and exits and the interior of the premises at all times;
 - b) retain video camera data for at least 21 days after it is gathered;
 - c) install a security and fire alarm system that is, at all times, monitored by a licensed third party;
 - d) not allow marihuana, products containing marihuana or other valuables to remain on the premises when not open to the public, unless the marihuana, products and other valuables are securely locked in a safe on the premises;
 - e) prominently display a sign on the premises indicating that no persons under 19 years of age are permitted on the premises unless accompanied by a parent or guardian;
 - f) ensure that two employees are present on the premises at all times when open to the public, including one manager;
 - g) promptly bring to the attention of the License Inspector:
 - 1. the name of any new on-site manager, officer, director or shareholder of the licensee; and
 - 2. any criminal charge brought against the licensee or an on-site manager, officer, director or shareholder of the licensee;
 - h) promptly provide to the License Inspector a current police information check for any new on-site manager, officer, director or shareholder of the licensee; and
 - i) install and maintain an air filtration system that effectively minimizes odour impacts on neighbouring properties.
- vi. No Marihuana-Related Business shall be located within 100 meters of any residential zone, daycare facility, preschool, playground, community centre, school, public park, civic or religious institution or any use catering to individuals under the age of 18.
- vii. A license holder for a Marihuana-Related Business must not do any of the following:

- a) Permit a person under 19 years of age to enter or remain on the premises of the Marihuana-Related Business unless accompanied by a parent or guardian over 19 years of age;
- b) Operate the Marihuana-Related Business between the hours of 7 p.m. and 8 a.m. the following day;
- c) Permit the consumption of any marihuana containing product on the premises;
- d) Block the windows of the premises with opaque material, artwork, posters, shelving or any other material;
- e) Display items related to the consumption of marihuana in any manner by which the display may reasonably be seen by a minor who is outside the premises;
- f) Advertise or promote the use of marihuana in any manner by which the advertising or promotion may reasonably be seen or heard by a minor who is outside the premises;
- g) Display any advertising or sign that is visible from outside of the premises, except for signs which display no images and contain only:
 - i. alpha-numeric characters,
 - ii. the business name, and

are consistent with the requirements of Section 310 of the City of Enderby Zoning Bylaw No. 1550, 2014, as amended from time to time; and

- h) Use the premises to carry on business other than that defined as a Marihuana-Related Business.
- viii. For the purposes of this bylaw, any business, not-for-profit, charity, cooperative, shared economy venture, or other entity which uses a premises for the consumption, display, storage, sale, trade or other exchange of marihuana or marihuana-containing products shall be considered a Marihuana-Related Business and will be subject to all the applicable terms, conditions, and fees of a Marihuana-Related Business.

READ a FIRST time this day of , .

READ a SECOND time this day of , .

READ a THIRD time this day of , .

ADOPTED this day of _____

MAYOR

CHIEF ADMINISTRATIVE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1627

A BYLAW TO AMEND FEES AND CHARGES BYLAW NO. 1479, 2010

WHEREAS Council of the City of Enderby has adopted "The City of Enderby Fees and Charges Bylaw No. 1479, 2010";

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "The City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1627, 2017".
2. Schedule "1" of the "City of Enderby Fees and Charges Bylaw No. 1479, 2010" is hereby amended by including Section 3 (p) as follows:

(p) Annual Business License Fee for
Marihuana-Related Business \$5,000

READ a FIRST time this day of ,

READ a SECOND time this day of ,

READ a THIRD time this day of ,

ADOPTED this day of ,

MAYOR

CHIEF ADMINISTRATIVE OFFICER

RDNO Building Permits Issued Comparison for Year/Month - Summary

Area: CITY OF ENDERBY

Category: BUILDING PERMITS

Year: 2017 Month: 01

Folder Type	----- 2017 / 01 -----			----- 2016 / 01 -----			----- 2017 to 01 -----			----- 2016 to 01 -----		
	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created	Building Value
ACCESSORY BUILDING	0	0	0	0	0	0	0	0	0	0	0	0
AGRICULTURAL BUILDING	0	0	0	0	0	0	0	0	0	0	0	0
COMMERCIAL BUILDING	0	0	0	0	0	0	0	0	0	0	0	0
DEMOLITION	0	0	0	0	0	0	0	0	0	0	0	0
INDUSTRIAL BUILDING	0	0	0	0	0	0	0	0	0	0	0	0
INSTITUTIONAL	0	0	0	0	0	0	0	0	0	0	0	0
MANUFACTURED HOME	0	0	0	0	0	0	0	0	0	0	0	0
MODULAR HOME	0	0	0	0	0	0	0	0	0	0	0	0
MULTI FAMILY DWELLING	0	0	0	0	0	0	0	0	0	0	0	0
PLUMBING	0	0	0	0	0	0	0	0	0	0	0	0
POOL	0	0	0	0	0	0	0	0	0	0	0	0
RETAINING WALL	0	0	0	0	0	0	0	0	0	0	0	0
SIGN	0	0	0	0	0	0	0	0	0	0	0	0
SINGLE FAMILY DWELLING	0	0	0	0	0	0	0	0	0	0	0	0
SOLID FUEL BURNING APPLIANC	0	0	0	0	0	0	0	0	0	0	0	0
Report Totals	0	0	0	0	0	0	0	0	0	0	0	0

Agenda

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner and Assistant Corporate Officer
Date: February 15, 2017
Subject: Amendment to Mobile Vendor Policy

RECOMMENDATION

THAT Council adopts the attached amended Mobile Vendor Policy.

BACKGROUND

On February 6, 2017, Council adopted the City of Enderby Mobile Vendor Policy. The key elements of the Mobile Vendor Policy include an annual business licensing regime, an annual intake schedule for mobile vendor requests, an annual rental fee for the use of public space, and a set of requirements aimed at mitigating conflicts and providing certainty on expectations for mobile vendors.

As a best practice to clarify the interpretation of how the BC Fire Code applies to mobile vendors, Staff are advancing an amended Mobile Vendor Policy which includes minimum fire safety requirements for mobile vendor cooking operations; these minimum fire safety requirements were inserted at the request of the City of Enderby Fire Chief, after he had to spend a considerable amount of time endeavouring to explain the Fire Code's application to a mobile vendor in the previous year.

Respectfully Submitted,



Kurt Inglis
Planner and Assistant Corporate Officer

Policy Title	Mobile Vendor
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Effective Date February 20, 2017	Adopted by Council	Replaces N/A
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PURPOSE: To regulate Mobile Vendors within the City of Enderby in order to provide business certainty, neighbourhood harmony, and administrative efficiency.

POLICY: Mobile Vendors operating within the City of Enderby shall be subject to the following conditions:

1. Mobile Vendors shall operate in accordance with the City of Enderby Zoning Bylaw No. 1550, 2016, as amended from time to time.
2. All Mobile Vendors are required to obtain a business license in accordance with the City of Enderby Business License and Regulation Bylaw No. 1558, 2014, as amended from time to time.
3. The sale of food items from a Mobile Vendor is permitted; however, the sale of all other goods (i.e. crafts, clothing, and other merchandise) is not permitted without prior written permission.
4. Mobile Vendors must submit a written request seeking permission to operate in a specific public space.
5. The authority having jurisdiction may decline to permit a Mobile Vendor's request to operate in a specific public space for any reason that it feels appropriate, but must provide the Mobile Vendor with reasons upon request.
6. The intake for Mobile Vendor requests to operate in a specific public space is from January 1 to March 31 of each year.
7. All Mobile Vendors who are approved to operate in a public space must pay an annual rental fee as specified in the City of Enderby Fees and Charges Bylaw No. 1479, 2010, as amended from time to time.
8. All Mobile Vendors shall supply their own power source, water source, and method of sanitary disposal; generators are permitted providing that they do not cause a disturbance.
9. Overhead canopies or doors from Mobile Vendors shall not obstruct or hinder pedestrian traffic.

10. Placement of any furniture (i.e. tables, chairs, benches, counters, etc.) associated with Mobile Vendor operations is not permitted without prior written permission.
11. A Mobile Vendor vehicle(s) shall be stored off-site when not in operation; storage of the vehicle on public property is not permitted without prior written permission.
12. All elements associated with the Mobile Vendor and its operations (including line-ups, signs and trash receptacles) shall not cause any obstructions or hazard; a minimum of 1.5 metres (5 feet) of sidewalk as a passageway for pedestrians is required.
13. Mobile Vendors shall not create any disturbance or nuisance in terms of noise, vibration, smoke, dust, odour, air pollution, heat, glare, bright light, hazardous or unacceptable waste. Lights, sounds, or actions which may be a distraction for motorists and/or pedestrians are not permitted.
14. Mobile Vendors may sell their products any time between 7:00 am – 10:00 pm, or at other times with prior written permission.
15. Mobile Vendors shall indemnify and save harmless the City, its officers, employees and elected and appointed officials, from and against all actions, proceedings, claims and demands by any person and to reimburse the City for all damages and expenses caused or contributed to by the negligence or other default of the Mobile Vendor, its servants or agents in respect of anything done pursuant or ostensibly pursuant to the Mobile Vendor's operations.
16. As per the City of Enderby Business License and Regulation Bylaw No. 1558, 2014, Mobile Vendors shall provide evidence of:
 - i. Motor Vehicle Liability Insurance with a minimum coverage of \$2,000,000;
 - ii. Comprehensive Public Liability and Property Damage Insurance for \$2,000,000 inclusive, with the City of Enderby as named insured.
17. The following are the minimum fire safety requirements related to the design, installation, operation, inspection, and maintenance of all mobile vendor commercial cooking operations:
 - i. As per BC Building Code 2012 0 Part 6.2.2.7, fire protection systems for commercial cooking equipment using vegetable oil or animal fat shall conform to ANSI/UL 300 or ULC/ORD-C1254.6;
 - ii. As per BC Fire Code 2012 0 Part 2.6.1.9, the use, inspection and maintenance of commercial cooking equipment exhaust and fire protection systems shall be in conformance with NFPA 96 (2008 edition - Ventilation Control and Fire Protection of Commercial Cooking Operations);

- iii. Cooking equipment used in processes producing smoke or grease-laden vapour shall be equipped with an exhaust hood that complies with NFPA 96 (2008 edition - Ventilation Control and Fire Protection of Commercial Cooking Operations);
- iv. Cooking that produces grease-laden vapour and that might be a source of ignition of grease in the hood, grease removal device or duct shall be protected by fire extinguishing equipment that conforms to NFPA 10 (2007 edition - Portable Fire Extinguishers) and NFPA 17A (2009 edition - Wet Chemical Extinguishing Systems);
- v. Fire extinguishing equipment shall include both automatic fire extinguishing systems as primary protection and portable fire extinguishers as secondary backup; and
- vi. The cooking equipment shall conform to the components, installation and maintenance as per NFPA 10 (2007 edition - Portable Fire Extinguishers), NFPA 17A (2009 edition - Wet Chemical Extinguishing Systems), and NFPA 96 (2008 edition - Ventilation Control and Fire Protection of Commercial Cooking Operations).

18. The authority having jurisdiction may set other terms and conditions as it deems appropriate.

19. Failure to meet one or more of the requirements outlined in this policy, or any other laws, regulations or Bylaws, may result in suspension or cancellation of the Mobile Vendor's Business License or withdrawing its permission to occupy the public space, which may be done without notice; should this occur, the Mobile Vendor will be reimbursed the annual rental fee on a pro-rated basis, subject to any fines or outstanding fees and charges.