



The Village of  
**PORT CLEMENTS**  
*"Gateway to the Wilderness"*

36 Cedar Avenue West  
PO Box 198  
Port Clements, BC  
V0T1R0  
OFFICE: 250-557-4295  
Public Works: 250-557-4295  
FAX: 250-557-4568  
Email: [office@portclements.ca](mailto:office@portclements.ca)  
Web: [www.portclements.ca](http://www.portclements.ca)

**5:00 PM Special Meeting of Council, Friday, September 22<sup>nd</sup>, 2023**

**AGENDA**

*This meeting of the Council of the Village of Port Clements being held on the traditional territory of the Haida People.*

**1. ADOPT AGENDA**

**2. GOVERNMENT**

G-1— Permissive Tax Exemption Bylaw, No. 482, 2023

*Recommend Motion: THAT Council reconsiders and adopts "Permissive Tax Exemption bylaw, No. 482, 2023"*

G-2— Berthage and Moorage Bylaw #483, 2023

*Recommend Motion: THAT Council reconsiders and adopts "Berthage and Moorage Bylaw #483, 2023"*

G-3— Application Review – Liquor and Cannabis Regulation Branch

**3. ADJOURNMENT**

**VILLAGE OF PORT CLEMENTS**  
**PERMISSIVE TAX EXEMPTION BYLAW,**  
**BYLAW NO. 482, 2023**

This bylaw is established to define the areas exemption from taxation pursuant to Section 224 of the *Community Charter* and will be cited for all purposes as "Permissive Tax Exemption Bylaw, No. 482"

The Council of the Village of Port Clements, in open meeting assembled, enacts as follows:

WHEREAS:

1. As per the *Community Charter* [Section 224], Council may, by bylaw, exempt properties from taxation by the Village of Port Clements;
2. And as per the *Community Charter* [Section 224 (5)] which identifies that where bylaws are exempting properties under subsection 2(f) in relation to property that is exempt under section 220(1) [buildings for public worship] the requirements for an identified set term (of no more than 10 years) and public notice requirements before adoption does not apply;
3. Unless the properties or portion of properties no longer qualify for exemption under the *Community Charter* [as per Section 224(7)] or Council choses the option to no longer provide a tax exemption, the following properties or portions of properties situated in the Village of Port Clements, shall be and are hereby exempt from property taxation by the Village of Port Clements for the year 2024 and future years:
  - a. Lot A, DL 746, Plan EPP93133 owned by Trustees of the Haida Gwaii Congregation of Jehovah's Witnesses and used as a public place of worship.
  - b. Lot A, Block 54, Plan PRP13227, DL 746 owned by Cedarview Pentecostal Church and used as a public place of worship.
4. The Village of Port Clements "Permissive Exemption Bylaw, No. 454, 2019" Is hereby repealed.

READ A FIRST TIME THIS 18 DAY OF SEPTEMBER 2023  
READ A SECOND TIME THIS 18 DAY OF SEPTEMBER 2023  
READ A THIRD TIME THIS 18 DAY OF SEPTEMBER 2023

RECONSIDERED AND FINALLY ADOPTED THIS \_\_\_\_ DAY OF SEPTEMBER 2023

\_\_\_\_\_  
Dennis Reindl  
COUNCILLOR

\_\_\_\_\_  
Marjorie Dobson  
CAO

\_\_\_\_\_  
CERTIFIED TO BE A TRUE COPY OF "PERMISSIVE TAX EXEMPTION BYLAW NO. 482, 2023."

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**VILLAGE OF PORT CLEMENTS  
BYLAW 483, 2023**

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**A BYLAW TO ESTABLISH FEES AND REGULATIONS FOR BERTHAGE AND  
MOORAGE**

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WHEREAS the *Community Charter* gives Council the power to impose a fee payable in respect of all or part of a service of the municipality, to establish different rates or levels of fees in relation to different factors, and to establish terms and conditions for payment of a fee, including discounts, interest and penalties, by bylaw;

NOW THEREFORE the Council of the Village of Port Clements in open meeting assembled enacts as follows:

**TITLE:**

This bylaw may be cited as "Berthage and Moorage Bylaw #483, 2023"

**DEFINITIONS:**

*Berthage*: the space where a vessel may anchor, dock, or tie up.

*Moorage*: the fee applicable to pay for berthage.

**BODY:**

1. There are two appendixes attached to and forming a part of this bylaw, *Appendix A* outlines fees and *Appendix B* is the *Application for Berthage at the Small Craft Harbour*.
2. The Village of Port Clements "Berthage and Moorage Bylaw #471, 2021" is hereby repealed.

READ A FIRST TIME THIS 18 DAY OF SEPTEMBER, 2023

READ A SECOND TIME THIS 18 DAY OF SEPTEMBER, 2023

READ A THIRD TIME THIS 18 DAY OF SEPTEMBER, 2023

RECONSIDERED AND FINALLY ADOPTED THIS \_\_\_ DAY OF SEPTEMBER, 2023

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Dennis Reindl  
Councillor

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Marjorie Dobson  
Chief Administrative Officer

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CERTIFIED A TRUE COPY OF  
Berthage and Moorage Bylaw #483,2023

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## Appendix "A"

Attached to and forming part of  
BERTHAGE AND MOORAGE BYLAW #483, 2023

Only the Small Craft Harbour is available for regular use of berthage for vessels within the Village of Port Clements. No other municipal operated or owned facility or infrastructure is permitted to be used for berthage unless authorized under a licence agreement for each occasion of usage.

If the Council of the Village of Port Clements grants a licence for use for another municipal operated or owned facility or infrastructure, such as the Rainbow Wharf, the fees and terms of usage will be set out in the terms and conditions of the licence.

All vessels including barges shall pay the following moorage rates when docked at the Small Craft Harbour:

Monthly- \$12.20 per meter  
Daily- \$2.20 per meter

*The monthly rate comes into effect when a vessel berths at the Small Craft Harbour for five (5) or more days of usage within a calendar month.*

Hydro for all vessels	Daily	Monthly
110V 20 A Service Minimum Rate	\$3.00	\$ 65.00
220V 30A Service Minimum Rate	\$5.00	\$100.00
220V 50A Service Minimum Rate	\$7.50	\$150.00

Should an economical method of metering per boat become available, the Village of Port Clements maintains the right to charge clients additional charges if actual usage exceeds the rate set out above. By using the power provided users agree to these charges.

All Vessels wishing to gain access to the Small Craft Harbour are to fill out the *Application for Berthage at the Small Craft Harbour* as attached in Appendix B.

Miscellaneous Rates:

1. A fee for returned cheques is \$25.00
2. Interest of 2% per month will be charged on accounts unpaid for 30 days

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## Appendix "B"

Attached to and forming part of  
BERTHAGE AND MOORAGE BYLAW #483, 2023

### Application for Berthage at the Small Craft Harbour

Name of Owner: \_\_\_\_\_

Name of Vessel: \_\_\_\_\_

Name of Operator if different from Owner: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_ Vessel ID #: \_\_\_\_\_

Contact Email Address: \_\_\_\_\_

Vessel Length: \_\_\_\_\_ Vessel Width: \_\_\_\_\_

Mailing/Billing Address: \_\_\_\_\_

\_\_\_\_\_

Date of start of vessel berthage: \_\_\_\_\_

Date of vessel departure/end of berthage: \_\_\_\_\_

I hereby understand that by using the Small Craft Harbour that I am consenting to follow all municipal bylaws in relation to the use of the facility and Harbour (*Port Clements Harbour Regulation Bylaw #318, 2001*).

I further agree to pay the rates as set out in Berthage and Moorage Bylaw #483, 2023 for use of the facility and Harbour.

I also understand that any damages caused by my vessel being moored at the Small Craft Harbour will be my responsibility to ensure that all damages are paid or fixed accordingly as agreed upon by the Village of Port Clements.

In addition, I will maintain the peace and enjoyment of the facility and will not create a nuisance on the Harbour, to other vessels, and persons wishing to access the Harbour.

I will comply with all Transport Canada Safety Rules and Regulations.

Attached with this application for berthage, I agree to submit a picture of my vessel for visual identification purposes of my vessel.

Effective Date of this agreement: \_\_\_\_\_

\_\_\_\_\_  
Owner/Operator

\_\_\_\_\_  
Municipal Staff

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# REPORT TO COUNCIL

Author: Elizabeth Cumming, Acting CAO  
Date: September 22<sup>nd</sup>, 2023  
RE: Application Review – Liquor Licence and Cannabis Branch

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## BACKGROUND:

On September 20<sup>th</sup>, the Liquor and Cannabis Licensing Branch reached out to the Village to identify that there is an application for a change to hours of a liquor service for a Food Primary, Liquor Primary or Liquor Primary Club from within our community. It is a requirement in their processes that the local government review the application before it can proceed.

## DISCUSSION:

The Axe and Anchor (0228407 B.C.) has submitted an application to expand their hours of operation to start earlier in the day, as well as to be able to provide services 7 days a week. This is to allow them to provide services for meetings, weddings, breakfasts, etc, that may occur at earlier hours. While they are expanding the licence to be able to provide service 7 days a week, this is being done so that they do not have to undertake this licensing process again if they want to expand their days of service (their operating days can be for less days a week than they are licensed for).

The Village has three options when it comes to the review: opt out of the process, approve or decline the application. It appears that if the Village decides to provide opt into the process (such as to provide approval or decline the application, provide comments/recommendations) then it has requirements to conduct a formal public input process itself regarding the application (such as putting up public notice/signage, and potentially other formal engagement aspects).

The business has requested that the Village opt out of the process, as they have made arrangements to undertake the public engagement aspect themselves with the application and have put a large sign on the outside of their building asking for public comment and giving information on how to provide feedback on their application.

The Village Office also does not currently have capacity to undertake a formal public input process in a timely manner as administrative staff are going to be away from the office. The Village also does not have bylaws that prohibit operating hours for businesses that provide liquor or food services, so unless there is a strong sentiment from Council that it has feedback to give on this application, it is recommended that the Village opt out of this process.

**STRATEGIC** (Guiding Documents Relevancy – Official Community Plan)  
N/A

**FINANCIAL** (Corporate Budget Impact)  
If the municipality opts into the process, then it will be taking on the costs to undertake the formal public input process.

**ADMINISTRATIVE** (Workload Impact and Consequence)  
The Village does not currently have capacity to conduct a formal public input process as administrative staff are going to be away from the office until the beginning of October and mid-October respectively.

## RECOMMENDATION:

THAT Council opts out of the review process for the submitted application for Liquor Primary Licence #033193 and directs staff to respond accordingly.

Respectfully submitted: Elizabeth Cumming, Acting CAO.

## Elizabeth Cumming

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**Subject:** FW: The Axe and Anchor - Liquor Primary Licence 033193 - Change to hours of liquor service application 059855

**From:** Hackett, James LCRB:EX

**Sent:** Wednesday, September 20, 2023 8:39 AM

**To:** 'cao@portclements.ca' <[cao@portclements.ca](mailto:cao@portclements.ca)>

**Cc:** 'charleen@obrienlogging.com' <[charleen@obrienlogging.com](mailto:charleen@obrienlogging.com)>

**Subject:** The Axe and Anchor - Liquor Primary Licence 033193 - Change to hours of liquor service application 059855

RE:

The Axe and Anchor

Liquor Primary Licence # 033193

Application to change the hours of liquor service.

LCRB Job # 059855

Good Morning,

The Liquor and Cannabis Regulation Branch (LCRB) has received an application from 0228407 B.C. Ltd operating the Axe and Anchor to amend the hours of liquor service.

Propose to change opening hours on Saturday and Sunday only.

From: Noon - 2 am (Saturday) and 11:00 am – Midnight (Sunday)

To: 10 am - 2 am (Saturday) and 10 am - 2 am (Sunday)

no change to existing hours of noon to 2 am (Monday to Friday).

The application was submitted on August 3, 2022, and should have been forwarded to the Village Port Clements for review through the LCRB Liquor Licensing Portal (<https://justice.gov.bc.ca/lcrb/>). It appears that due to some technical issues, Port Clements did not have opportunity to review the application. The LCRB requires the Village of Port Clements to review the application before it can proceed.

I have made an effort to trigger the LCRB Portal to electronically send the application to the Village of Port Clements for review.

Would you be kind enough to contact me to confirm if you have access to the LCRB Portal and if you are able to review the application.

Kindest regards,

James Hackett

Case Manager

Pronouns: he / him / his | [why pronouns matter](#)

778-974-2365

Liquor and Cannabis Regulation Branch

Applications and information available at:

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From [www2.gov.bc.ca](http://www2.gov.bc.ca)

## **Types of responses from the local government or First Nation**

There are generally three different types of responses you may be asked to provide, depending on the licence application:

### **Community input process (comments required)**

- This is the most comprehensive input process. Local governments and First Nations who opt in to this process are invited to make comments and recommendations, usually in the form of a resolution, regarding the application. This process requires you to conduct a formal public input process.

### **Objection or no objection (comments not required)**

- Local governments and First Nations are invited to provide a simple “no objection” (approved) or “objection” (not approved) response. This does not require formal consideration of community input or a resolution.

### **Zoning confirmation (comments not required)**

- Local governments and First Nations may be asked to confirm if zoning allows for the application to proceed, without providing any comments.

More information is in the section [How to review applications](#) and [Applications Awaiting Zoning Confirmation](#).

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# Liquor and Cannabis Licensing

## Provide Comment on Change to Hours of Liquor Service (outside Service Hours) Application

Licenses may apply to revise hours of liquor service, subject to any restrictions within the Liquor Control and Licensing Act, Regulations, branch policies and/or original terms and conditions of licensing.

The application fee is \$330.

If you leave this page, the information you input will be saved. You can continue later from the dashboard.

### BEFORE STARTING THE APPLICATION

This application is to request a change to the hours of service outside the hours currently approved for your licensed establishment. To make a change within the hours currently approved must submit a different application.

If an LG/IN is the applicant, the Branch will gather community input and consider the regulatory criteria; the LG/IN is not permitted to conduct public input or provide comments on their own application. This is to prevent conflicts of interest. The applicant must pay any costs incurred to obtain the views of residents.

*If you have any questions about this application, contact the Liquor and Cannabis Regulation Branch (LCRB) at [LCRBLiquor@gov.bc.ca](mailto:LCRBLiquor@gov.bc.ca) (<mailto:LCRBLiquor@gov.bc.ca>)*

### ESTABLISHMENT DETAILS

#### Establishment Name

The Axe and Anchor (033193)

#### LIQUOR PRIMARY LOCATION ADDRESS

The establishment is currently located at the following address:

#### Address

117 Bayview Drive

#### City

PORT CLEMENTS

#### Province

British Columbia

#### Postal Code

V0T1R0

#### Country

Canada

#### Parcel Identifier (PID)

### ESTABLISHMENT CONTACT DETAILS

The phone and email address used to contact your establishment:

#### Establishment Email

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**Establishment Phone**

(604) 317-7400

**HOURS OF SALE**

Indicate the proposed hours of sales below.

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	01	05	05	09:01	09	(	09
Close	01	02	02	02:01	02	(	02

**APPLICATION CONTACT DETAILS**

Please provide contact information for the contact that the LCRB should communicate with regarding this application.

**First Name \***

Gloria

**Last Name \***

O'Brien

**Title/Position**

**Phone Number (main) \***

6043177400

**Email \***

By submitting the email address, you agree that the Liquor and Cannabis Regulation Branch can use it to communicate with you about this application.

charleen@obrienlogging.com

**DECLARATIONS**

The application must only be submitted by an individual with the authority to bind the applicant. The branch relies on the applicant to ensure that the individual who submits this application is authorized to do so. Typically, an appropriate individual in a corporation will be a duly authorized signatory who will usually be an officer or, in some cases, a director  
Note: A lawyer or consultant, may NOT submit this application on behalf of the applicant.

\* I understand and affirm that I am authorized to submit the application

Section 20 (1) of the Liquor Control and Licensing Act states: "The general manager may refuse to issue, renew, transfer or amend a licence if the applicant fails to disclose a material fact required by the application or makes a false or misleading statement in the application."

\* I understand and affirm that all of the information provided for this application is true and complete

**LOCAL GOVERNMENT/INDIGENOUS NATION CONFIRMATION OF RECEIPT OF APPLICATION**

**LG/IN**

Port Clements

**Name of Official**

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**Title/Position**

**Phone**

(000) 000-0000

**Email**

This application serves as notice from the Liquor and Cannabis Regulation Branch (LCRB) that an application for a change to hours of liquor service for a Food Primary, Liquor Primary or Liquor Primary Club has been made within your community.

TO UPLOAD DOCUMENTS, DRAG FILES HERE OR BROWSE.  
FILES MUST BE IN PDF, JPEG, OR PNG FORMAT.  
MAX FILE SIZE: 25MB.

Opt Out of Comment

Reject Application

Accept Application

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## Elizabeth Cumming

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**From:** Charleen O'Brien <theaxeandanchorpub@gmail.com>  
**Sent:** September 20, 2023 9:26 AM  
**To:** Elizabeth Cumming  
**Subject:** Hours change

Hi Elizabeth

I just wanted to clarify that what I'm trying to do is get approved to open up earlier in case I have a meeting, wedding, breakfast etc. My closing hours are already approved to 2am legally so there would be no change to that. I will still need to post a sign for two weeks letting the public know proposed hours etc. And they would be able to give input to the LCRB if they wanted.

I am asking for the Village office to decline in being a part of the process as it's not necessary.

Thank you  
Charleen O'Brien  
The Axe and Anchor

Sent from my iPhone

CAUTION: This email originated from outside of the Village of Port Clements Network. Do not click links or open attachments unless you recognize the sender and know the content is safe.