

THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NO. 85/2013

Being a By-law to license, regulate and govern Bed and Breakfast Establishments in the Municipality of Port Hope and to repeal By-law No. 27/2008

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, as amended, Section 150, permits in part, that Municipalities may enact by-laws for the licensing, regulating and governing of any business wholly or partly carried on within the municipality;

AND WHEREAS the Council of the Corporation of the Municipality of Port Hope deems it in the public interest to license bed and breakfast establishments;

NOW THEREFORE the Council of the Corporation of the Municipality of Port Hope enacts the following:

1. DEFINITIONS:

In this By-law:

1.1 “Bed and Breakfast establishment” shall mean:

- A business of providing a maximum of three (3) guest rooms but no cooking facilities provided for tourists or persons, where the room rate may include meals provided on the Premises.
- And shall be consistent with the definition in the Zoning By-law 20/2010 as amended from time to time.

1.2 “Chief Building Official” shall mean the Chief Building Official for the Corporation of the Municipality of Port Hope or designate

1.3 “Clerk” shall mean the Clerk of the Corporation of the Municipality of Port Hope.

1.4 “Cooking Facilities” shall mean an arrangement within a residential unit which provides, but is not limited to, the following features: refrigeration capability; hot plate, electrical frying pan, toaster oven, crock pot, counter top burners, stove or microwave; and facilities for washing and cleaning or any other facility, mechanized equipment for the purpose of preparing and heating food for consumption.

1.5 “Director of Fire and Emergency Services” shall mean the Director of Fire and Emergency Services for the Corporation of the Municipality of Port Hope or designate.

1.6 “Director of Planning Services” shall mean the Director of Planning & Development Services for the Corporation of the Municipality of Port Hope.

1.7 “kitchen” shall mean a room or an area equipped with cooking facilities for preparing and cooking food, and in which food serving and/or preparation equipment is located.

1.8 “licensee” shall mean a person issued a license pursuant to this By-law.

1.9 “Municipality” shall mean the Corporation of the Municipality of Port Hope.

- 1.10 "Owner" shall mean an owner, being a single owner, individual, partnership, or corporation or as joint tenants or tenants in common, who resides therein as his/her principal residence, and resides therein during the time the bed and breakfast establishment is operating. For the purposes of this definition an owner may be a corporation of not more than two (2) shareholders who reside therein as their principal residence.
- 1.11 "Guest Room" shall mean a room in a single family dwelling or private residence for occupation by guests, but shall not include motel, hotel, or residence with more than three (3) guest rooms.
2. No person shall, within the limits of the Municipality of Port Hope, own or operate a bed and breakfast establishment without a current valid license issued pursuant to this By-law. Failure of such person to comply with this section constitutes an offence.
3. In order to obtain a Bed and Breakfast license, the owner must file a complete application complying with the following requirements including but not limited to:
 - 3.1 Pay the required license fee in accordance with the Municipal Fees & Charges By-Law for an annual license;
 - 3.2 If the applicant is a partnership, the names and addresses of all persons associated with the partnership;
 - 3.3 The name of the proprietor or his or her authorized agent, either of whom has his or her permanent personal residence on the premises;
 - 3.4 The location of the bed and breakfast establishment;
 - 3.4.1 A plan drawn to scale suitable to the Corporation of the Municipality of Port Hope, Chief Building Official or designate, (preferably a Plan of Survey) and will include:
 - the location of the house on the property with setbacks indicated from all property lines,
 - the location and dimension of the driveway
 - driveway access to the required parking spaces
 - location and dimensions of parking spaces
 - 3.4.2 Proof of liability insurance coverage for his/her Bed and Breakfast Establishment for a minimum of Two Million Dollars (\$2,000,000.00) for the period covered by the license and
 - 3.4.3 A floor plan to identify the rooms, which are to be licensed by name, number or physical description and location, and to identify the bedrooms for the exclusive use of the owner, and,
 - 3.4.4 A list of motor vehicles that are used by the permanent residents of the licensed premises along with the license plate numbers of the said vehicles and,
 - 3.4.5 The number of parking spaces available shall be consistent and equal number of the guest rooms licensed in accordance with the Zoning By-law.
 - 3.4.6 Upon receipt of the completed application and the license fee, the application will be forwarded forthwith to:
 - The Chief Building Official and the By-law Enforcement Officer with a request that the property be inspected for compliance with the Building Code, the Municipal Official Plan, the Municipal Zoning By-law and all other Municipal By-laws and any breaches thereof be reported to the Municipal Clerk

- The Director of Fire and Emergency Services or designate with a request that the property be inspected for compliance with the Fire Regulations and any breaches thereof be reported to the Municipal Clerk.
4. Upon confirmation that the Bed and Breakfast Establishment complies with the Corporation of the Municipality of Port Hope Zoning By-Law, with the Ontario Building Code, with the Ontario Fire Code and any other applicable Corporation of the Municipality of Port Hope By-Laws and is in compliance with all other provisions of the by-Law, the Clerk shall issue a license, which shall expire at midnight on December 31st of the year in which the license is issued.
License applications for renewals of licenses received after January 31st shall be subject to an additional late filing fee in accordance with the Municipal Fees & Charges By-law as amended from time to time.
 5. Following receipt of all applicable reports and recommendations, the Clerk, shall issue a license subject to any terms and conditions recorded on the license and where applicable reports and recommendations are in support of issuing the license.
 6. The licensee shall post the license in a conspicuous place in the hallway or office of the premises licensed and shall ensure that the license remains in such place at all times.
 7. All licenses issued under the provisions of this By-law shall expire on the thirty-first day of December of the year of issuance of the license; however, the Clerk may revoke any license at any time if the provisions of this By-law and any applicable legislation are not complied with.
 - 7.1 Upon issuance, cancellation or suspension; a license shall remain the property of the Municipality.
 - 7.2 No license shall be transferable.
 8. A bed and breakfast establishment licensed under this By-law may be inspected at any time by the Director of Fire and Emergency Services and/or the Chief Building Official or anyone designated by them.
 9. The licensee shall not provide or permit sleeping accommodation in any space in the premises used as a lobby, hallway, closet, bathroom, stairway, kitchen, or any other space not approved as Guest Room.
 10. The licensee shall maintain the bed and breakfast establishment and its furnishings in a thoroughly clean, safe and sanitary condition, and without limiting the generality of the foregoing, the licensee shall:
 - 10.1 keep the cellar and/or basement of the bed and breakfast establishment well drained and ventilated;
 - 10.2 keep it weather-proof and free from dampness;
 - 10.3 keep it free from rubbish, garbage, ashes, flammable materials and other debris, and from vermin, insects, and pests;

- 10.4 where the licensee serves meals, maintain adequate kitchen equipment and facilities to ensure the proper preparation and protection of food; such equipment to be in a safe, operating condition at all times;
- 10.5 provide separate toilet and bathing facilities which are readily accessible to all residents with a minimum of one washbasin, one flush toilet, and one bath tub or one shower for every two guest rooms; and ensure that hot and cold water are available at all times;
- 10.6 provide adequate and suitable heat for all rooms in accordance with the Municipality's Property Standards By-law and keep all heating equipment in good repair.
11. No person shall prepare or cook food for human consumption in an area other than a kitchen unless approved by the Director of Fire and Emergency Services and/or the Chief Building Official.
12. No person shall convert or use any building as a bed and breakfast establishment unless in compliance with all applicable legislation.
13. Each licensee shall ensure that all safety and fire equipment and systems are maintained in proper working order at all times.
14. Every person who contravenes any provision of this By-law shall be liable to have such License revoked by the Municipality and shall be guilty of an offence and upon conviction is liable to such fines and penalties as are authorized under the Provincial Offences Act, R.S.O. 1990, c.P.33 as amended, and all such fines shall be recoverable pursuant to the provisions of the Provincial Offences Act.
15. In the event any provisions of this By-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.
16. That By-law 27/2008 is hereby repealed.
17. This By-law shall come into force and take effect immediately upon passing.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 3rd day of December, 2013.

Linda Thompson, Mayor

S.C. Dawe, Municipal Clerk