

**THE TOWN OF CHURCHILL
BY-LAW NO. 784/2018**

**BEING A BY-LAW OF THE TOWN OF CHURCHILL TO REGULATE AND
LICENCE ACCOMMODATIONS PROVIDERS (EXCLUDING HOTELS,
MOTELS AND INNS) WITHIN THE TOWN OF CHURCHILL**

WHEREAS:

1. Part 7 of The Municipal Act provides that a Municipal Council may pass By-laws for municipal purposes respecting businesses, business activities and persons engaged in business, and
2. It is deemed expedient and in the best interests of the Town of Churchill to licence and regulate the operations of all Bed and Breakfasts, Airbnb's, Guest Houses, Rooming Houses, Hostels and all other accommodation providers (excluding Hotels/Motels/Inns) within the Town of Churchill.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Town of Churchill in Council assembled at Churchill, Manitoba, enacts as a by-law the following:

Section 1 – Purpose

- 1.1 It is the purpose of this by-law to establish the regulations, standards and circumstances under which living accommodation is provided on a transient basis in residential properties.
- 1.2 This by-law does not apply to:
 - (a) a hotel, motel, inn or other facility licenced or otherwise regulated in its provision of accommodations by the Government of Manitoba or the Government of Canada;
 - (b) a hospital, a sanatorium or a facility designated by regulations under The Mental Health Act;
 - (c) a personal care home licenced under The Health Services Insurance Act;
 - (d) a residential care facility licenced under the Social Services Administration Act;
 - (e) the providing of accommodation as landlord of residential property under *The Residential Tenancies Act*.

Section 2 – Definitions

- 2.1 **Bed and Breakfast** - an owner occupied residence with guestrooms providing accommodation and breakfast to travelers.

Hostel - An establishment that provides lodging and food or shared cooking facilities for a specific group of people, such as students, workers, or travellers.

Guest House – a private house or property offering temporary accommodations to paying guests, including a small separate building on the grounds of a larger one or on adjacent property.

Short Term Rental – the renting out of a principal residence for a period to which the *Residential Tenancies Act* does not apply.

Section 3 – Licence Required

- 3.1** No person shall carry on a Bed and Breakfast, Hostel, Guest House, or Short Term Rental or otherwise provide accommodation to which this by-law applies without a valid and subsisting licence under this by-law.
- 3.2** To obtain a licence, a person must file a Business Licence application in the form provided by the Town and pay the required licence fee specified in Schedule "A" of the Fees and Charges By-Law
- 3.3** The following must accompany an application for a licence:
- (a). a detailed site plan and floor plan of the proposed building used for accommodations.
 - (b). any other information required by the Town.

Section 4 – Terms and Conditions of the Licence

To be licenced and to operate any Accommodations, the following terms and conditions of the Licence must be met at all times:

- 4.1** The operator of a Bed and Breakfast must:
- (a). be an individual who is a resident in the Town and at least 18 years of age; and
 - (b). be the registered owner of the residence or lessee in which the Bed and Breakfast Facility is to be located; if the residence is jointly owned, all owners hold the licence jointly; and
 - (c). live within the residence when bed and breakfast operations are active, and
 - (d). not be affiliated(own/manage) in any way with hotels, motels, lodges, or similar facilities which caters to travelers in the Churchill area; and
 - (e). employ only members of the operator's family except where the operator has no family members in permanent residence, in which case one member of the public can be employed by the operator; and
 - (f). obtain and keep current adequate fire insurance indicating bed and breakfast property is being insured in addition to the residence; and
 - (g). ensure individual guests do not stay in the Bed and Breakfast facility for more than 14 consecutive days and not more than 30 days in one year; and
 - (h). prepare and serve only one meal per day, before 12:00 noon, to their guests; and
 - (i). not supply liquor to guests; and
 - (j). keep a list of the names and addresses of all guests staying at the Bed and Breakfast facility to be made available to the Municipal Support Officer upon request; and
 - (k). keep all smoke detectors and fire extinguishers in good repair and tested at least once a year by a qualified testing person; and
 - (l). keep the premises, bed and bedding, personal items and utensils in good condition and clean and sanitary; and
 - (m). keep outside entries well-lit to ensure safe entry into the house; and
 - (n). ensure that each guestroom has at least two exits, one of which is accessible as a fire escape to the exterior of the bed and breakfast

facility, and maintain all entries and windows in good repair and in working condition; and

- (o). maintain all appliances in good repair; and
- (p). maintain at least two sources of electric lighting in each guestroom; and
- (q). maintain a night light in each hallway and ensure it is left on for the night; and
- (r). keep pets out of food preparation and serving areas during food preparation and serving times; and
- (s). ensure that each guestroom is for the exclusive use of guests who are travelling together.

4.2 The operator of a Bed and Breakfast facility must ensure the facility:

- (a). meets all applicable requirements of the National Building, Electrical, Fire and Plumbing Codes; and
- (b). is a permitted use or an approved conditional use under the Town Zoning By-law; and
- (c). has hardwired smoke and heat detector alarms in each kitchen storage room, furnace room and in each hallway; and
- (d). has hardwired heat and smoke detectors in each kitchen storage room, furnace room and in each hallway; and
- (e). has lavatories and bathing facilities available to all guests with at least one toilet, one sink and one tub or shower for every 5 persons, including the family of the operator; and
- (f). contains at least one fire extinguisher, visibly mounted, or a minimum of 10 pounds ABC in each hallway, kitchen and furnace room; and
- (g). has posted in each guestroom, rates, emergency procedures and escape routes; and
- (h). has a unique keyed lock for each guestroom; and
- (i). maintains one power backup emergency light source in each hallway; and
- (j). does not operate as a restaurant or catering facility serving the general public; and
- (k). has the following minimum sized (excluding an attached bathroom) for each guestroom: at least 74 square feet for 1 or 2 people and at least 120 square feet for a family of up to 5 people, including 1 or 2 adults and 1 to 4 children.

4.3 The operator of a Hostel must:

- (a). be an individual who is a resident in the Town of Churchill and at least 18 years of age, and
- (b). be the registered owner of the residence in which the Hostel is to be located; if the residence is jointly owned, all owners hold the licence jointly; and
- (c). have an on-site Manager living on the premises at all times and
- (d). obtain and keep current & adequate fire insurance indicating the Hostel property is being insured in addition to the residence and
- (e). ensure individual guests do not stay in the Hostel for more than a period of 28 days in one year, and
- (f). not offer meals, ensuring guests are visiting local restaurants or shopping at local stores
- (g). not have liquor for sale to guests and
- (h). keep all smoke detectors and fire extinguishers in good repair and tested at least once a year by a qualified tester, and
- (i). keep the premises, bed and bedding, personal items and utensils in good condition, and clean and sanitary, and
- (j). keep all outside entries well lit to ensure a safe entry into the house, and

- (k). ensure that each bedroom has at least two exits, one of which is accessible as a fire escape to the exterior of the Hostel, and maintain all entries and windows in good repair and in working conditions, and
- (l). maintain all appliances in good repair, and
- (m). maintain at least two sources of lighting in each guestroom, and
- (n). ensure the facility is pet free.

4.4 The operator of a Hostel facility must ensure the facility;

- (a). meets all applicable requirements of the National Building, Electrical, Fire and Plumbing Codes, and
- (b). is a permitted use or an approved conditional use under the Town Zoning By-law; and
- (c). has hardwired smoke and heat detector alarms in each guest's sleeping room; and
- (d). has hardwired heat and smoke detectors in each kitchen storage room, furnace room and in each hallway; and
- (e). contains at least one fire extinguisher, visibly mounted, of a minimum of 10 pounds ABC in each hallway, kitchen and furnace room; and
- (f). has posted in each guestroom, rates, emergency procedures and escape routes; and
- (g). has a unique keyed lock for each guest room; and
- (h). has a unique keyed lock for each guest to secure their belongings in a cupboard/cubby; and
- (i). maintains one power backup emergency light source in each hallway; and
- (j). does not operate as a restaurant or catering facility serving the general public

4.5 The operator of a Guest House or Short Term Rental must

- (a). be the registered owner or lessee of the residence
- (b). hold a business licence for each current year in business
- (c). obtain and keep adequate liability insurance
- (d). keep all smoke detectors and fire extinguishers in good repair and tested at least once a year
- (e). not have liquor for sale to guests
- (f). keep all smoke detectors and fire extinguishers in good repair and tested at least once a year by a qualified tester
- (g). keep the premises, bed and bedding, personal items and utensils in good condition and clean and sanitary
- (h). keep all outside entries well-lit to ensure a safe entry into the house
- (i). ensure that each bedroom has at least two exits, one of which is accessible as a fire escape to the exterior of the building
- (j). maintain all appliances in good repair
- (k). maintain at least two sources of lighting in each guest room
- (l). not rent out the premises to the same guests for a period of more than 60 days.

4.6 The operator of a Guest House or Short Term Rental must ensure the facility

- (a). meets all applicable requirements of the National Building, Electrical, Fire and Plumbing codes
- (b). is a permitted use or an approved conditional use under the Town Zoning By-law
- (c). has battery-operated or hardwired smoke and heat detector alarms in each guests sleeping room

- (d). has battery-operated or hardwired heat and smoke detectors in each kitchen storage room, furnace room and in each hallway
- (e). contains at least one fire extinguisher, visibly mounted, of a minimum of 10 lbs. ABC in each hallway, kitchen and furnace room
- (f). has posted in each guestroom, rates, emergency procedures and escape routes; and
- (g). maintains one power backup emergency light source in each hallway; and
- (h). does not operate as a restaurant or catering facility serving the general public

It is recommended that the operator utilize unique keyed locks for each unit/guest room.

Section 5 – Other Regulations

- 5.1** Applications are administered, reviewed and issued by the Municipal Support Officer

Section 6 – Expiry and Renewal of Licence

- 6.1** A licence for all Accommodations expires at midnight on the 31st day of December in any given year.
- 6.2** Licences may be renewed by filing a renewal form, as provided by the Town, with the fee specified.

Section 7 – Transfer of Licences

- 7.1** The licence for any Accommodation provider is not transferrable.

Section 8 – Powers of the Municipal Support Officer

- 8.1** The powers of the Municipal Support Officer found in this by-law are in addition to the powers of the Municipal Support Officer set forth in any other by-law.
- 8.2** The Municipal Support Officer may:
- (a). refuse to issue or renew a licence where the applicant or operator does not, in the opinion of the Municipal Support Officer, comply with the requirements of this by-law:
 - (b). if the operator does not comply with the requirements of this by-law, the Municipal Support Officer may issue a written notice to the operator setting out the breach and a time by which such breach must be remedied:
 - (c) if the breach is not remedied to the satisfaction of the Municipal Support Officer, the Municipal Support Officer may terminate the operator's licence.
- 8.3** A person affected by a decision of the Municipal Support Officer may request Council to review the decision by written notice to the Chief Executive Officer within 14 days after the date the person receives notice of the decision.
- 8.4** Upon receiving a request for review, the Executive Director shall set a date and time for the review of the order and shall notify the person of the date of the review. The date must be no later than 14 days after the Town receives the request for review, unless the person requests or consents to a later date.

- 8.5** At the time and place set out in the notice, Council shall consider the request for review, and the person may appear in person or by counsel. After reviewing the decision, Council may confirm, vary, substitute or cancel it.

Section 9 – Penalty

- 9.1** A person who contravenes this by-law or a condition of a licence is guilty of an offence and liable on summary conviction to a maximum fine of \$1,000.00 (or imprisonment for a term of not more than 3 months or both). Where a person is found guilty of an offence, in addition to a fine and imprisonment, the person is liable to a penalty equal to the costs of the Town to enforce the by-law, including costs of prosecution.

Section 10 – By-law Requirements Included in Licence

- 10.1** The requirements of this by-law form part of every licence issued for accommodations.

DONE AND PASSED as By-Law of The Town of Churchill this 23rd day of August , 2018



Michael Spence
Mayor



Cory Young
Executive Director

Read a first time ~~this~~ 21st day of June, 2018
Read a second time this 26th day of July, 2018
Read a third time this 23rd day of August, 2018