

Clearwater County
Bylaw No. 1139/23

BEING A BYLAW OF CLEARWATER COUNTY, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE OF CONTROL, REGULATION, AND LICENSING OF SHORT-TERM RENTALS ON IDENTIFIED RESIDENTIAL PARCELS IN CLEARWATER COUNTY.

PURSUANT to the Authority conferred upon it by the *Municipal Government Act*, Revised Statutes of Alberta, 2000, Chapter M-26 and amendments thereto, and;

WHEREAS, pursuant to section 7(a) of the *Municipal Government Act*, a Council may pass bylaws for municipal purposes respecting the safety, health, and welfare of people and the protection of people and property; and

WHEREAS, pursuant to section 7(e) of the *Municipal Government Act*, a Council may pass bylaws for municipal purposes respecting businesses, business activities, and persons engaged in business; and

WHEREAS, pursuant to section 7(i) of the *Municipal Government Act*, a Council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the matters listed therein; and

WHEREAS, pursuant to section 8 of the *Municipal Government Act* the Council of a municipality may, in a bylaw, regulate or prohibit and to provide for a system of licenses, permits, and approvals.

NOW, THEREFORE, the Council of Clearwater County in the Province of Alberta duly assembled enacts as follows:

1.1 TITLE

This Bylaw may be cited as “*Short-Term Rental Bylaw*” and will be referred to herein as “this Bylaw”.

1.2 DEFINITIONS

In this Bylaw, words have the meanings as set out in the *Municipal Government Act*, except that;

“**Bed and Breakfast**” means a dwelling unit in which the occupant rents or leases a room or suite of rooms on a short-term basis to vacationers or tourists, and which may include the provision of breakfast meals as part of or in addition to the rent paid for the room or suite of rooms.

“**Bedroom**” means a room used for sleeping purposes that meets the requirements of the building code as amended.

“**Boarding House or Lodging House**” means a building or portion thereof containing sleeping rooms without cooking facilities, where lodging and/or meals for three or more persons is provided for compensation but does not include a hotel.

“**Bona Fide Need**” means a situation where a person needs a dwelling to be close to the principal residence to provide care to a family member in the principal residence or to receive care from a family member in the principal residence.

“**Bylaw Officer**” means a person appointed as a Bylaw Officer pursuant to the *Municipal Government Act*, RSA 2000, c M-26.

“Council” means the elected council of Clearwater County.

“County” means the corporation of Clearwater County, and where required by the context shall include all lands within the corporate boundaries of the said County.

“Detached Dwelling” means a residential building containing one residential unit, which is physically separated from any other residential building, includes a modular home, but does not include a manufactured home.

“Development Authority” means the Development Authority established pursuant to *Development and Subdivision Authorities Bylaw 479/95* as amended.

“Development Officer” means:

- (a) a person authorized to exercise the responsibilities of a Development Officer pursuant to the *Land Use Bylaw 714/01* as amended; and
- (b) the Municipal Planning Commission where authorized to act as a Development Officer pursuant to the *Land Use Bylaw 714/01* as amended; and
- (c) where the Municipal Planning Commission is authorized to act as a Development Officer in addition to a person appointed as a Development Officer, either or both of them.

“Duplex” means a residential building consisting of two dwelling units each having separate exterior entrances.

“Dwelling” or **“Dwelling Unit”** means a building or portion of a building containing one or more habitable rooms that constitute a self-contained living accommodation unit having sleeping, cooking and bathroom facilities.

“Guest House” means a building or portion of a building separate from the main building that contains sleeping accommodations, but no kitchen or cooking facilities, for the use of members of the family, temporary guests or persons permanently employed on the same parcel of land. A guest house is generally intended to have a total floor area not exceeding 55.74 square metres (600 sq. ft.), and an exterior finish that complements the exterior finish of the dwelling. A guest house is not a recreation facility, nor is it an ancillary use.

“Hamlet” means an unincorporated community consisting of five or more buildings as dwellings, a majority of which are on parcels of land smaller than 1,850 square metres, has a generally accepted boundary and name, and contains parcels of land that are used for non-residential purposes, these areas are Alhambra, Condor, Leslieville, Nordegg and Withrow.

“Holiday Trailer/Recreation Vehicle” means a transportable unit designed to be transported on its own wheels or by other means (including units mounted permanently or otherwise on trucks) bearing or required to bear a valid current vehicle license, and in such a manner as will permit its use for sleeping or living purposes for one or more persons and used exclusively by tourist(s) or transient(s), generally on a short-term basis.

“Manufactured Home” means a residential building containing one dwelling unit built in a factory in one or more sections, designed to be transported on either its own wheels and chassis or other means to a suitable site, and placed on either a temporary or permanent foundation and connected to utilities for long-term occupancy. For the purposes of this Bylaw, two types of manufactured homes may be distinguished:

- (a) **“Single Wide”** means a manufactured home consisting of one section designed to be transported in a single load;
- (b) **“Double Wide”** means a manufactured home consisting of two sections separately transportable but designed to be joined together at the site to form one dwelling unit.

“Municipality” means Clearwater County.

“Municipal Tag” means a form of ticket prescribed by the County for a Bylaw offence providing a person with the opportunity to pay an amount to the County in lieu of prosecution.

“Noise” means in accordance with *Noise Bylaw 1037/23* as amended.

“Officer” means a Bylaw Officer, Peace Officer and member of the Royal Canadian Mounted Police.

“Owner” means the registered owner of Land pursuant to the *Land Titles Act*, or otherwise offers for consideration the premises for short-term rental.

“Parcel” or **“Parcel of Land”** means the aggregate of one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office.

“Parking Space” means a site intended for the placement (parking) of one automobile or other vehicles.

“Peace Officer” means: (i) A police Officer, (ii) A person appointed as a Peace Officer pursuant to the *Peace Officer Act*, SA 2006, c P-3.5.

“Principal Residence” Is the primary residential dwelling on a property that residents occupy for a majority of the calendar year. A person can only occupy one primary residence at any given time.

“Short-Term Rental” means the business of offering a dwelling unit, or portion of, for compensation to persons who are not residents of that dwelling unit for the stay of 30 days or less.

“Violation Ticket” has the same meaning as in the *Provincial Offences Procedures Act*, RSA 2000, c. P-34, as amended.

1.3 PURPOSE

The purpose of this Bylaw is to allow property owners to earn additional income from their properties and create opportunities for visitors to stay for a short period while mitigating negative impacts on the surrounding community.

2.0 LICENSE REQUIREMENTS

- 2.1 All short-term rentals must have a valid short-term rental license under the provisions of this Bylaw.
- 2.2 Only the owner(s) of a property can apply for a short-term rental license.

- 2.3 A short-term rental may be an entire dwelling, a portion of a dwelling, or an approved guest house.
- 2.4 All short-term rentals shall have operating smoke alarms and carbon monoxide alarms, and:
 - (a) Carbon monoxide alarms must be installed outside of the sleeping areas; and
 - (b) The owner shall regularly test the alarms to ensure that they are operational.
- 2.5 Each application and annual renewal for a short-term rental license where the property is part of a condominium association or homeowners association or the like, must submit a letter from their respective affiliations showing approval to operate a short-term rental and specifying the specific address.
- 2.6 A short-term rental license is not required for any property within the Agricultural land use district when the short-term rental is associated with the current operations of an agricultural business.
- 2.7 Recreation vehicles, tents or ancillary buildings cannot be used as accommodations or short-term rentals.
- 2.8 Only 1 (one) short-term rental license is permitted per parcel.
- 2.9 Parking shall comply with the parking requirements set out in the *Land Use Bylaw*. In the absence of parking requirements in the *Land Use Bylaw*, a minimum of one off-street parking stall per 1 (one) bedroom shall be provided.
- 2.10 The owner of a property for which a short-term rental license is issued must take reasonable steps to ensure that guests do not cause any excessive noise or nuisance to adjacent property owners and comply with the Noise Bylaw, as amended. Steps to address this must be provided in the application form.
- 2.11 Short-term rentals must comply with *Alberta Safety Codes Act* and any other applicable municipal, provincial or federal legislation.
- 2.12 The owner of a property for which a short-term rental license is issued must obtain and maintain liability insurance acceptable to the County.
- 2.13 The short-term rental license shall outline the license number, capacity (maximum), and the contact telephone number of the owner for the short-term rental and must be visibly displayed at the primary entrance of the short-term rental during a guest(s) stay.
- 2.14 Any bed and breakfasts, boarding houses or commercial tourism operations, or the like with a valid development permit for the use are exempt from this Bylaw.
- 2.15 Notwithstanding anything in this Bylaw to the contrary, no bed and breakfast, home occupation, other rental accommodation or boarding house shall be permitted in any dwelling unit which contains a short-term rental.
- 2.16 A person operating a short-term rental must:
 - (a) pay the Annual License Fee prescribed in Schedule "A";
 - (b) sign an annual agreement attesting that the short-term rental remains the same and is operating as per the original application; and
 - (c) provide proof of insurance as required in 2.12.
- 2.17 A person operating a short-term rental must provide and maintain the following in a visible location on the interior of the premises:
 - (a) a home safety and evacuation floor plan of the premises;
 - (b) the name and contact information of the 24-hour contact person provided for in Section 3.2(d); and

- (c) the guest rules, as submitted to the County as required in Section 3.2(g).

3.0 LICENSE APPLICATION

- 3.1 An applicant for a short-term rental license must submit a completed application form along with payment of the applicable Annual License Fee prescribed in Schedule “A”.
- 3.2 A completed application shall:
 - (a) Identify if the entire detached dwelling, a portion of a dwelling unit, or approved guest house is being utilized for a short-term rental;
 - (b) If only a dwelling unit is being utilized, identify the number of bedrooms being utilized for the short-term rental;
 - (c) Identify kitchen/cooking spaces being utilized for the short-term rental, if not the primary kitchen;
 - (d) Provide the name and contact information of the owner plus 1 local emergency contact located within 35km of the short-term rental property, which individuals may be contacted at any time (ie. 24 hours per day);
 - (e) Provide a floor plan of the premises within which the short-term rental is to be provided, identifying the location of smoke alarms and carbon monoxide alarms, fire extinguishers, fire exits, kitchen and the location(s) of each approved bedroom;
 - (f) Indicate the advertising and booking methods to be used and identify websites on which the short-term rental will be advertised;
 - (g) Provide documentation regarding the expectations of guests utilizing the short-term rental (the “Guest Rules”), indicating, but not limited to:
 - a. Waste disposal;
 - i. Noise, including quiet hours;
 - ii. Maximum number of guests;
 - iii. Check-in / Check-out hours;
 - iv. Pets that guests bring during their stay; and
 - v. Additional information as deemed necessary by the County at the time of application; and
 - (h) Provide all applicable permits deemed necessary by the County at the time of application including, but not limited to:
 - i. a development permit;
 - ii. building permits;
 - iii. electrical;
 - iv. gas; and
 - v. septic and plumbing.

4.0 ANNUAL LICENSE FEE

- 4.1 The Annual License Fee is set out in “Schedule A”.

5.0 LICENSE

- 5.1 No person shall engage in or operate a short-term rental within the County without a valid short-term rental license issued pursuant to the provisions of this Bylaw.
- 5.2 No person shall market, advertise, or otherwise promote any short-term rental without a valid short-term rental license issued pursuant to the provisions of this Bylaw.
- 5.3 Where there is a business that is operating at the same location or dwelling, the business must have a separate business development permit.
- 5.4 This Bylaw does not supersede the number of dwellings permitted on a parcel as stated in the *Land Use Bylaw*.
- 5.5 Unless a short-term rental license is rescinded, withdrawn or suspended, a license issued under this Bylaw will commence on the day the license is issued and terminates automatically 12 months after the issuance date.

- 5.6 The short-term rental license shall be displayed in a ground floor window where the license number and emergency contact information can be clearly identified.
- 5.7 A person holding a short-term rental license must apply for a renewal annually within 90 days of the expiry date of the license, along with payment of the applicable Annual License Fee as prescribed in Schedule "A".
- 5.8 A short-term rental license that has not been renewed within 90 days of the expiry date will be cancelled and a new application will be required.

6.0 APPEAL, REFUSAL, REVOCATION AND SUSPENSION

- 61 A short-term rental license may be issued by the Development Officer.
- 6.2 The Development Officer may refuse to grant a short-term rental license and may suspend or revoke any license issued pursuant to this Bylaw or may impose any conditions on a short-term rental license for any of the following reasons:
 - (a) When an applicant submits an application which does not comply with the requirements of this Bylaw;
 - (b) The licensee does not or no longer meets the requirements of this Bylaw with respect to the license;
 - (c) The licensee does not hold a valid permit, or other documents of qualification under this or any other Bylaw, or under any law of Canada or Alberta; and
 - (d) A bona fide need residence cannot be used as a short-term rental;
- 6.3 When an application for a short-term rental license is refused, the Development Officer shall notify the applicant the reasons for refusal in writing.
- 6.4 Upon receipt of a notice of revocation or suspension, the licensee will terminate the operation of the short-term rental immediately.
- 6.5 No person shall offer or continue to advertise or provide any short-term rental during a period of suspension of that license.
- 6.6 No person shall offer or continue to advertise or provide any short-term rental when a license has been refused or revoked.
- 6.7 An applicant cannot reapply for a short-term rental license for six (6) months after an application has been refused by the Development Officer.
- 6.8 An applicant cannot reapply for a short-term rental license for twelve (12) months after a license has been revoked by the Development Officer.
- 6.9 A person may appeal a revocation or suspension of a short-term rental license by submitting to the Development Officer a notice of appeal in a form prescribed by the County, along with the appeal fee as set out in the *Fees and Charges Bylaw* as amended, within twenty-one (21) days after the date the notice.
- 6.10 An appeal shall be heard by Council within thirty (30) days of the date upon which a notice of appeal and the appeal fee are received by the County.
- 6.11 Council may hear the appellant, the Development Officer and any other person who, in the opinion of Council, is affected by the decision being appealed. Council may accept any other evidence or information deemed pertinent to the subject matter of the appeal.
- 6.12 Council may uphold, vary, or reverse a decision of the Development Officer. Council's decision on appeal is final and not subject to review or appeal.

- 6.13 The applicant will be notified of the outcome of the appeal within seven (7) days of the decision being rendered by Council.
- 6.14 Where a licensee has given notice of an intention to appeal the revocation or suspension of a short-term rental license, the Development Officer may, in the Development Officer's sole discretion, stay the revocation or suspension pending the hearing of the appeal if the continued operation of the business does not create a danger to the safety, health or welfare of the general public.

ENFORCEMENT

7.0 Offence

- 7.1 A person who contravenes any provision of this bylaw is guilty of an offence and is liable on summary conviction to the specified penalties as prescribed by this Bylaw.

8.0 Continuing Offence

- 8.1 In the case of an offence that is of a continuing nature, each day constitutes a separate offence and a person guilty of such an offence is liable on summary conviction to a fine in an amount not less than the amount established by this Bylaw, for each day.

9.0 Penalties

- 9.1 For an offence under this Bylaw, the specified penalties are as follows:
- (a) \$200.00 for a first offence; and
 - (b) \$400.00 for a second offence; and
 - (c) \$800.00 for a third or subsequent offence.

10.0 Municipal Tag

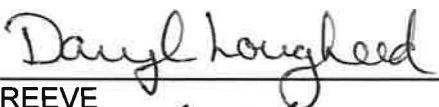
- 10.1 A Bylaw Officer is hereby authorized and empowered to issue a municipal tag to any person whom the Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw:
- (a) The municipal tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - i. The person's name,
 - ii. The offence,
 - iii. The appropriate voluntary penalty for the offence as specified in this Bylaw,
 - iv. That the voluntary penalty shall be paid within (14) days of issuance of the municipal tag to avoid further prosecution,
 - v. The method by which the municipal tag may be paid, and
 - vi. Any other information as may be required by the Chief Administrative Officer.
 - (b) Where a contravention of this Bylaw is of a continuing nature, further municipal tags may be issued by the Bylaw Officer provided, however, that no more than one municipal tag shall be issued for each day that the contravention continues.
 - (c) Where a municipal tag has been issued in accordance with this Bylaw, the person to whom the municipal tag has been issued may, in lieu of being prosecuted for the offence, pay to the County the specified penalty within the time frame specified in the municipal tag.
 - (d) The voluntary payment of the specified penalty issued on a municipal tag shall be 50% of the specified penalty amount for a first offence if payment is received within the prescribed time.
- 10.2 The County is not required to issue a municipal tag for an offence before a violation ticket may be issued.

11.0 Violation Ticket

- 11.1 A Bylaw Officer or Peace Officer is hereby authorized and empowered to issue a violation ticket to any person where the Bylaw Officer or Peace Officer has reasonable and probable grounds to believe that person has contravened any provision of this Bylaw.
- 11.2 Where a municipal tag has been issued and the penalty specified on the municipal tag is not paid within the prescribed time, a Bylaw Officer or Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to either Part 2 or Part 3 of the *Provincial Offences Procedures Act*.
- 11.3 A violation ticket issued with respect to a contravention of this Bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 11.4 If a violation ticket is issued in respect to an offence, the violation ticket may:
- (a) Specify the fine amount established by this Bylaw for the offence, or
 - (b) Require a person to appear in Court without the alternative of making a voluntary payment.
- 11.5 Where a violation ticket has been issued to a person and the violation ticket specifies the penalty amount to be imposed, the person may make a voluntary payment in the amount equal to the penalty amount specified in the violation ticket. The recording of the payment of a penalty made to the Provincial Court of Alberta shall constitute an acceptance of a guilty plea and constitutes a conviction for the offence and the imposition of a fine in the amount of the specified penalty.
- 11.6 Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.
- 11.7 This Bylaw shall come into effect upon third reading of this Bylaw.

SCHEDULE "A"	
Annual License Fee	Amount
Annual short-term rental license fee: for the entire dwelling or a guest house.	\$250.00
Annual short-term rental license fee: for a portion of the dwelling.	\$150.00

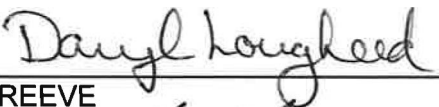
READ A FIRST TIME this 28 day of February A.D., 2023.


REEVE


CHIEF ADMINISTRATIVE OFFICER

READ A SECOND TIME this 13 day of June A.D., 2023.

READ A THIRD AND FINAL TIME 13 day of June A.D., 2023.


REEVE


CHIEF ADMINISTRATIVE OFFICER