

**THE CORPORATION OF THE MUNICIPALITY OF EAST FERRIS
BY-LAW NO. 2022-23**

**BEING A BY-LAW TO LICENSE AND REGULATE THE USE OF SHORT TERM
RENTALS IN THE MUNICIPALITY OF EAST FERRIS**

WHEREAS the Council of the Municipality of East Ferris may, pursuant to the Municipal Act, 2001, S.O. 2001, c.25. as amended, ("The Municipal Act"), enact by-laws for the licensing, regulating and governing of businesses and occupations in the Municipality of East Ferris;

AND WHEREAS pursuant to Section 10 of the Municipal Act, a municipality has the authority to implement business licensing in the interest of health and safety, well-being of persons, consumer protection and nuisance control;

AND WHEREAS Sections 390 to 400 of the Municipal Act enables a municipality to pass By-laws for imposing fees or charges to permits and services provided or done by them;

AND WHEREAS pursuant to Section 434.1 of the Municipal Act, a municipality has the authority to impose a system of administrative penalties and fees as an additional means of encouraging compliance with this by-law;

AND WHEREAS Section 436 of the Municipal Act permits a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law direction, order or license;

AND WHEREAS Section 444 of the Municipal Act provides that if a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS the Council of the Corporation of the Municipality of East Ferris deems it desirable that such licensing and regulation takes place with regard to Short Term Rental Accommodations as defined in this By-law;

AND WHEREAS, Council has enacted Zoning By-law 2021-60 under the provisions of the Planning Act, R.S.O. 1990, c. P13, as amended, with respect to Short Term Rental Accommodations within the municipality and having done so desires to provide for a system of licensing to implement said policies and provisions;

AND WHEREAS pursuant to Section 151 of the Municipal Act, Council is exercising its authority to provide for a system of licensing with respect to Short Term Rental Accommodation businesses;

NOW THEREFORE the Council of the Corporation of the Municipality of East Ferris enacts as follows:

1.0 Definitions:

Accessory Building or Structure shall mean a building or structure, which is normally incidental or subordinate and located on the same lot as the primary use

Fee shall mean a Fee as set forth in this by-law and is non-refundable.

License shall mean the License issued under this by-law.

Licensee means a person who holds a License or is required to hold a License under this by-law.

Mobile Home shall mean a dwelling unit designed to be made mobile, and constructed to provide a permanent use for one or more persons. A mobile home by definition does not include recreational vehicles such as a travel trailer, tent trailer, or trailer otherwise designed.

Municipality shall mean the Municipality of East Ferris.

Officer shall mean any person appointed by the Municipality of East Ferris to carry out by-law enforcement work or any other person legally permitted to enforce by-laws such as a police officer.

Second Unit shall mean a separate and permanent self-contained unit located in the same building or on the same lot as the principal dwelling. This shall also include Coach Houses, as defined by the Zoning By-law.

Short Term Rental shall mean the use of a building or part of a building for overnight guest lodging for a period of not more than 28 days in exchange for payment or service.

Single Detached Dwelling shall mean a building comprised of one dwelling unit.

Tourist or Travel Trailer or Recreational Vehicle shall mean a tent trailer, truck camper, RV or house trailer that is used or intended to be used for a short term, and is located or parked for a temporary or seasonal period.

Zoning By-law shall mean Municipality of East Ferris Zoning By-law 2021-60, the Comprehensive Zoning By-law for the Municipality of East Ferris.

2.0 Administration

- 2.1 This by-law shall be administered by the Municipality.
- 2.2 Officers shall be responsible for the enforcement of this by-law.
- 2.3 Upon receipt of an application for License, the Municipality will review the application in the context of this by-law and either issue a License or provide a written explanation of why the application fails to meet the criteria for a License. This will be completed within 15 business days.
- 2.4 The Municipality will keep a public record of issued Licenses on the Municipality's website, including the property address, contact information of a representative for the Short Term Rental, and the parameters under which the Short Term Rental has been Licensed, including operating times.
- 2.5 The Licensee is responsible for all fees and fines related to the operation of a Short Term Rental under this by-law.
- 2.6 Licenses must be renewed annually by the Licensee.
- 2.7 A License issued under this by-law is not transferrable and may not be used by any person other than the person who was issued the License. A new owner or operator of a property is required to obtain their own License.
- 2.8 No License shall be issued without receipt of the licensing fee as shown on Schedule A to this by-law.
- 2.9 Fines will be issued by Officers for contraventions of this by-law in accordance with Schedule B of this by-law.
- 2.10 A fine will be considered a strike against the Licensee for the purpose of this by-law. Receiving 3 strikes within the term of the License will result in the License being revoked for the remainder of the calendar year and will prevent a License being issued for the property for the following calendar year, regardless of a change in applicants. No refund of license fees.

3.0 Prohibitions

- 3.1 No person shall use or operate any Short-Term Rental Accommodation dwelling unless they hold a current license issued pursuant to this By-law
- 3.2 No person shall advertise a Short-Term Accommodation without a license.
- 3.3 No person shall advertise or rent a Short Term Rental outside of the period

specified under the provisions of section 4.4 of this by-law.

- 3.4 No more than 2 persons per bedroom shall be permitted to occupy the Short Term Rental. A pull-out couch, or similar sleeping arrangement, can provide for a maximum of 2 additional guests beyond what the number of bedrooms would allow. Only 2 additional guests per Short Term Rental are permitted regardless of the number of pull-out couches or other sleeping arrangements present on site. This must be outlined in the application for License.
- 3.5 No licensee shall rent any Short-Term Rental with accommodations other than related to the bedrooms outlined in the application as per section 3.4 of this by-law.
- 3.6 The provisions of this by-law shall not apply when the property is being used for personal use by the owner.
- 3.7 No person shall contravene any other municipal by-law while occupying a Short Term Rental.
- 3.8 No person shall advertise a Short Term Rental on a website or in any place that is not listed on their application.

4.0 License and Term

- 4.1 The License shall be valid for up to a maximum of 1 calendar year but will expire on December 31st of any given year, regardless of how long the license has been active.
- 4.2 The License will expire upon the sale of a property that is being used as a Short Term Rental.
- 4.3 A License may not be transferred to any other party and is only valid for the person who was issued the License.
- 4.4 Within the calendar year that the License is issued for, a Short Term Rental may only operate for 3 calendar months within that year.
 - 4.4.1 The chosen 3 months must be selected at the time of the application for License and may not be altered, with the exception of applying for a new License.
 - 4.4.2 A Short Term Rental may never be used for more than 3 months within a calendar year regardless of changes in ownership of a property or any other factors.
 - 4.4.3 The chosen 3 months must be full calendar months and cannot be custom date ranges.
 - 4.4.4 The operating months will be posted on the public registry on the municipality's website.
- 4.5 No License will be issued for any property that has outstanding fines under this by-law.
- 4.6 No License will be issued for any property that has outstanding taxes owing to the municipality.
- 4.7 The License must be displayed on the backside of the main door to the Short Term Rental.
- 4.8 A License shall not be granted to a corporation.

5.0 General Provisions

- 5.1 Tourist or Travel Trailers or Recreational Vehicles are not permitted to be located on properties being used for Short Term Rentals. This includes any Tourist or Travel Trailers or Recreational Vehicles brought by and person, including renters.

- 5.2 A Second Unit may not be used for a Short Term Rental.
- 5.3 Accommodations for Short Term Rentals shall not be permitted in any accessory building or structure.
- 5.4 Short Term Rentals are only permitted within single detached dwellings, which does not include a Mobile Home.
- 5.5 All garbage must be kept in appropriately sealed containers as per the East Ferris Municipal Waste Management By-law and must be put out no earlier than 6:00pm on the evening before the day of pick up and no later than 7:00am on the day of pick up. Any garbage not picked up must be removed by the Licensee at 8:00pm on the day of pick up. This provision is subject to change based on amendments to the Municipal Waste Management By-law.
- 5.6 Parking shall be provided at a rate of 1 space per bedroom, with one additional space being required if additional guests are permitted as per section 3.4 of this by-law. Parking spaces must meet the size requirements of the zoning by-law.
- 5.7 Any additional garbage disposal that is required beyond what is picked up by the municipality is the responsibility of the Licensee. The Licensee shall arrange for disposal at the landfill.
- 5.8 Tents or other temporary accommodations are not permitted on the site of a Short Term Rental.
- 5.9 Events are not permitted at the location of a Short Term Rental including weddings or other organized events. The maximum occupancy for the Short Term Rental is the maximum number of guests permitted on the site.

6.0 Inspection

- 6.1 Prior to the issuance of a License, an inspection of the property will take place by the Municipality. This inspection will be done by any staff deemed necessary to confirm compliance with the following:
 - 6.1.1 Ontario Building Code Act, 1992, S.O. 1992 c.23
 - 6.1.2 Ontario Fire Protection and Prevention Act, 1997, S.O. 1997, c.4
 - 6.1.3 East Ferris Property Standards By-law
 - 6.1.4 East Ferris Zoning By-law
 - 6.1.5 Any other relevant by-law or municipal policy related to the operation of a Short Term Rental
- 6.2 The renewal of a License may not require a physical site visit if the parameters of the License remain consistent from year to year. This will be at the discretion of the Municipality.
- 6.3 Confirmation that the septic system for the property is adequately sized, up to current standards, and is in working order will be required as part of the inspection process. This will require a mandatory file review from the North Bay-Mattawa Conservation Authority at the expense of the applicant. Septic inspections on License renewals may be waived at the discretion of the municipality.
- 6.4 If the septic system is deemed to be inadequate for the capacity of the dwelling or if it is in a state of disrepair, no License will be issued for Short Term Rentals on the property until such time as the septic system is properly functioning and an adequate size.
- 6.5 An Officer may at any reasonable time inspect a property where a License has been issued under this By-law to determine ongoing compliance with this By-law.

7.0 Application Requirements

- 7.1 A completed application form, as provided by the municipality, is required prior to

the issuance of a License under this By-law. The application requirements include, but are not limited to:

- 7.1.1 Proof of ownership of the property
- 7.1.2 Contact information for a person who can be a public contact on behalf of the Short Term Rental. This contact information will be posted publicly on the municipality's website. The contact information will come in the form of both an email and phone number.
- 7.1.3 Proof of commercial insurance covering the 3 months that the rental is active.
- 7.1.4 Proof that the applicant, if a corporation, is legally permitted to conduct business in Ontario.
- 7.1.5 A site plan showing the locations of all buildings and structures on site including the parking layout.
- 7.1.6 A floor plan of the Short Term Rental showing all bedrooms and sleeping accommodations and indicating the maximum capacity based on the provisions of this by-law.
- 7.1.7 A listing of all websites or any other places that the Short Term Rental will be listed for rent.
- 7.1.8 Proof of the proper functioning and adequate size of the septic system.
- 7.1.9 A plan of how the Licensee plans to make renters aware of local by-laws and their obligations under this by-law.
- 7.1.10 A waste collection plan. The Licensee must detail how they will ensure that garbage is collected and placed for pick up in accordance with section 5.5 of this by-law.

8.0 Fines

- 8.1 Every Person who contravenes any provision of this by-law is guilty of an offence pursuant to the provisions of the Provincial Offences Act R.S.O. 1990, Chapter P.33, as amended, and upon conviction, a Person is liable to a fine of not more than \$5,000, exclusive of costs.
- 8.2 Every Person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court Provincial division, shall be requested to establish set fines in accordance with Schedule "B" attached to this by-law.
- 8.3 Each day a contravention occurs constitutes a new offence.
- 8.4 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.

9.0 Collection of Unpaid Fines

- 9.1 Pursuant to Section 441 of the Municipal Act, if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under Section 66 of the Provincial Offences Act, R.S.O. 1990, c P.33, ("Provincial Offences Act") including any extension of time for payment ordered under that Section, the Municipality may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice. If the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes pursuant to Section 351 of the Municipal Act and may be added to the Owner's tax roll and collected in the same

manner as Property taxes.

10.0 Severability

10.1 If any provision of this By-law is for any reason held to be invalid by a decision of a court, all remaining provisions shall be valid and shall remain in full force and effect.

11.0 Transitional Clause

11.1 Notwithstanding the illegal status of existing Short Term Rentals and recognizing that Short Term Rentals have never been permitted under Zoning By-law 1284 or it's successor Zoning By-law 2021-60, except in specific accordance with this by-law, the municipality is enacting a transitional clause as follows:

11.1.1 There will be a two month period from the date of the passing of this by-law in which applications will be accepted to determine the eligibility of existing properties for a Short Term Rental License.

11.1.2 After the expiration of the two month period following the passing of this by-law, any properties not issued a License under this by-law may be subject to ongoing fines as per Schedule B of this by-law.

12.0 Date of Effect

12.1 This by-law shall come into effect on the date that it receives 3rd reading by the Council for the Corporation of the Municipality of East Ferris

READ A FIRST AND SECOND time this 26th day of April, 2022.

READ A THIRD TIME, AND FINALLY passed this day of , 2022.

Mayor
Pauline Rochefort

Clerk
Monica L. Hawkins

THE CORPORATION OF THE MUNICIPALITY OF EAST FERRIS

SCHEDULE “A”

Licensing Fees

Item	Fee
Short Term Rental License	\$750.00

This is Schedule “A” To By-law No. 2022-XX passed by Council on the X day of May, 2022.

Mayor
Pauline Rochefort

Clerk
Monica L. Hawkins

THE CORPORATION OF THE MUNICIPALITY OF EAST FERRIS

SCHEDULE “B”

Fines

(Draft Note – This is a proposed fine schedule and subject to approval under the Provincial Offences Act procedures)

Item	Fine
Operate a Short Term Rental without a License	\$500.00
Operate a Short Term Rental with revoked License	\$1000.00
Operate a Short Term Rental outside of the specified calendar months	\$500.00
Advertising for a Short Term Rental for dates outside of the permitted calendar months	\$300.00
Advertising for a Short Term Rental without a valid License	\$300.00
Advertising a Short Term Rental for more guests than the permitted occupancy for the License	\$300.00
Advertising on a website or in another location that is not listed on the application form	\$100.00
Failure to display the License	\$100.00
Exceed the maximum occupancy as per the License requirements	\$500.00
Garbage put out before the specified time	\$300.00
Tourist or Travel Trailers or Recreational Vehicles located on the property	\$500.00
Outdoor tents or other sleeping accommodations on site	\$300.00
Operation of a Short Term Rental in a second unit or accessory building or structure	\$500.00
Event at the location of a Short Term Rental	\$1000.00

This is Schedule “B” To By-law No. 2022-XX passed by Council on the X day of May, 2022.

Mayor
Pauline Rochefort

Clerk
Monica L. Hawkins