

THE CORPORATION OF THE  
**TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD**

**BY-LAW NUMBER 2002-05**

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**BEING A BY-LAW FOR THE LICENSING, REGULATING AND GOVERNING OF  
BED AND BREAKFAST ESTABLISHMENTS  
IN THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD**

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**WHEREAS**, the *Municipal Act, R.S.O. 1990, c. M.45, as amended, S. 257.2* permits the Corporation of the Township of Smith-Ennismore-Lakefield to enact by-laws for the licensing, regulating and governing of any business carried on within the municipality, and for revoking any such licence;

**AND WHEREAS**, the Corporation of the Township of Smith-Ennismore-Lakefield considers it advisable that such licensing, regulating and governing take place in regard to bed and breakfast establishments;

**AND WHEREAS**, the Corporation of the Township of Smith-Ennismore-Lakefield has reviewed its requirements with regard to such establishments and consulted with its bed and breakfast sector.

**NOW THEREFORE BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD**, as follows:

1. Definitions:

- (a) *'Bed and Breakfast Establishment'* "shall mean a single family detached dwelling house or portion thereof containing guest rooms used or maintained incidentally for the overnight accommodation of the travelling public and in which the proprietor supplies lodging and breakfast only in return for monetary compensation but shall not include a boarding or lodging house, a motel, hotel, group home, resort establishment or other similar facility, an eating establishment, a liquor licensed premises or any other use otherwise defined or classified herein."
- (b) *'Single Detached Dwelling'* - means a dwelling containing not more than one (1) dwelling unit.

2. No person shall use a building or operate as a Bed and Breakfast Establishment unless he/she holds a valid licence issued by the Corporation of the Township of Smith-Ennismore-Lakefield pursuant to this by-law.

3. Each owner of a Bed and Breakfast Establishment shall apply to the Corporation of the Township of Smith-Ennismore-Lakefield before November 1<sup>st</sup> each year for an annual licence for the following year.

4. Notwithstanding Section 3 above, each owner of a Bed and Breakfast Establishment wishing to operate in 2002 shall apply to the Corporation of Smith-Ennismore-Lakefield before May 15, 2002 for an annual licence for that year.

5. In order to obtain a Bed and Breakfast licence, the owner must comply with the following requirements:

- (a) Pay the required licence fee as per Schedule "A" attached to this by-law at the time of applying for an annual licence.
- (b) An application for a Bed and Breakfast Establishment licence as per Schedule "B" shall be submitted to the Corporation of the Township of Smith-Ennismore-Lakefield Building and Planning Department and shall include:
  - i) a plan drawn to scale suitable to the Corporation of the Township of Smith-Ennismore-Lakefield Manager of Building and Planning 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.
  - ii) proof of separate 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 licence, and,
  - iii) a floor plan to identify the rooms, which are to be licenced by name, number or physical description and location, and to identify the bedrooms for the exclusive use of the owner, and,
  - iv) a list of motor vehicles that are used by the permanent residents of the licenced premises along with the licence plate numbers of the said vehicles, and,

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- (b) The number of licenced rooms shall be limited to the number of dedicated parking spaces available and the number of bedrooms available and as prescribed by the zoning by-law. Legal non-conforming bed and breakfast establishments existing prior to passing of this by-law are excepted. The total number of parking spaces available must be shown on the plan submitted with the application.
- (c) Upon receipt of the completed application and the licence fee, the application will be forwarded forthwith to:
- i) The Peterborough County City Health Unit with a request that the property be inspected for compliance with the Health regulations and any breaches thereof be reported to the Township Clerk;
  - ii) 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 Township Official Plan, the Township Zoning By-Law, and all other Township By-Laws and any breaches thereof be reported to the Township Clerk;
  - iii) the Fire Chief with a request that the property be inspected for compliance with the Fire Regulations and any breaches thereof be reported to the Township Clerk.
6. Upon confirmation that the Bed and Breakfast Establishment complies with the Corporation of the Township of Smith-Ennismore-Lakefield Zoning By-Law, with the *Ontario Building Code*, with the *Ontario Fire Code*, with the Health Protection and Promotion Act, R.S.O
  7. 1990 c.H.7 and any other applicable Corporation of the Township of Smith-Ennismore-Lakefield By-Laws and is in compliance with all other provisions of this By-Law, the Clerk shall issue a licence, which shall expire at midnight on December 31<sup>st</sup> of the year in which the licence is issued. Licence applications for renewals of licences received after January 31<sup>st</sup>, shall be subject to an additional late filing fee of \$50.00.
  8. Subject to written approval from the Building and Planning Department and payment of a \$25.00 processing fee, a licence issued under Section 5 of this By-Law may be transferred to a new owner of the same property, for the same number of rooms and without any changes to the property, within the year in which the licence is issued.
  9. In addition to compliance with all of the aforementioned provisions of this By-Law, the Corporation of the Township of Smith-Ennismore-Lakefield Zoning By-Law, *Ontario Fire Code*, Ontario's *Health Protection and Promotion Act* and the *Ontario Building Code*, the Bed and Breakfast Establishment shall also be operated in compliance with the following provisions:
    - (a) Only signs in accordance with the Corporation of the Township of Smith-Ennismore-Lakefield Sign By-Law, indicating that the building is a Bed and Breakfast, shall be displayed.
    - (b) Each owner must keep a daily guest register that has a separate date on each page with enough space provided for each guest to register in a designated room. The daily guest register must contain the guest's assigned room number, name, home address, home phone number, date and duration of stay, and number of guest vehicles.
    - (c) The owner, upon request from the Manager of Building and Planning, or designate, shall provide the daily guest register for inspection. The Manager of Building and Planning or designate may request this at any time between the hours of 8:00 a.m. and 8:00 p.m.
    - (d) Each owner shall be responsible for ensuring that each guest is advised that they must park in the areas designated on the application and not on the road allowance. Off street parking provisions must be made for trailers if these are to be accepted, and,
    - (e) A copy of the valid licence must be posted by the owner in a prominent and visible place in the home at all times and in each licences room, while licensed.
  10. The licence to operate a Bed and Breakfast Establishment may be revoked by the Corporation of the Township of Smith-Ennismore-Lakefield for any breach of the provisions of this By-Law.
  11. No person shall operate or permit to operate a Bed and Breakfast Establishment with more rooms than is authorised by the Corporation of the Township of Smith-Ennismore-Lakefield and as shown on the valid licence issued for the establishment.
  12. Any person who contravenes any of the provisions of this By-Law is guilty of an offence and is liable, upon conviction, under the *Provincial Offences Act*.
  13. This By-Law comes into effect upon final passage thereof.

Read a first, second and third time and finally passed this 4<sup>th</sup> day of March 2002.

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Reeve - Burritt Mann

Corporate Seal

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Clerk & Deputy Treasurer - Janice Lavalley

**SCHEDULE "A"**

**THE CORPORATION OF THE TOWNSHIP OF SMITH-ENNISMORE**

**BY-LAW NUMBER 2002-05**

**ENACTED THIS 4<sup>TH</sup> DAY OF MARCH 2002**

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BEING A BY-LAW FOR THE LICENSING, REGULATING AND GOVERNING OF BED AND BREAKFAST  
ESTABLISHMENTS IN THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD

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**ANNUAL LICENCE FEES**

**LICENCE FEE:**           \$ 75.00 - for first bedroom, and  
                                  \$ 10.00 - for each additional bedroom thereafter

**LATE FILING FEE:**   \$50.00

**EXPIRY:**       Annual Licence expires at midnight on December 31<sup>st</sup> each year.

CORPORATION OF THE TOWNSHIP OF  
**SMITH-ENNISMORE-LAKEFIELD**

**APPLICATION TO LICENCE AN ACCESSORY  
GUEST ROOM, GUEST HOME  
OR BED & BREAKFAST**

PLEASE COMPLETE THE ENTIRE FORM

Application No.: _____	Date Received: _____
Name of Owner: _____	
Address: _____	
Postal Code: _____	Phone: _____ Fax: _____
Email Address: _____	

1. Date when Guest Home or Bed & Breakfast establishment began operation (Please include supporting documentation).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Business name of Guest Home or Bed & Breakfast.

\_\_\_\_\_

3. Type of dwelling.

- |  |  |
|--|--|
| <input type="checkbox"/> single detached | <input type="checkbox"/> semi-detached |
| <input type="checkbox"/> townhouse       | <input type="checkbox"/> apartment     |

4. Total number of bedrooms in the dwelling: \_\_\_\_\_

5. Number of Guestrooms proposed: \_\_\_\_\_

6. Locations of guestrooms: \_\_\_\_\_  
Please indicate on attached floor plan (drawn to scale).

7. Location of bedroom(s) used by owner: \_\_\_\_\_  
Please indicate on attached floor plan (drawn to scale).

8. List of motor vehicles used and/or stored by permanent residents.

<i>LICENSE PLATE NUMBERS</i>	<i>COLOUR, MAKE &amp; MODEL</i>
_____	_____
_____	_____
_____	_____
_____	_____

9. Number of parking spaces available on site. (Each parking space must measure 2.4m x 6m. (8' x 20') and meet Zoning By-Law requirements as to location).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

10. (a) Does the operator reside in the dwelling as their principal residence?

- Yes     No

(b) If not, name of person residing in dwelling \_\_\_\_\_

11. Attach a Plan of Survey by an Ontario Land Surveyor or accurate Site Plan drawn to scale by a qualified professional that includes:
  - (a) property dimensions
  - (b) location of house on property
  - (c) setbacks from all property lines
  - (d) location and dimension of driveway
  - (e) location and dimension of parking spaces
  - (f) location and dimensions of rear yard landscaped open space
12. Attach a floor plan identifying rooms to be registered and the remaining bedrooms(s) to be used by the owner.
13. Is a minimum of 60% of the rear yard maintained as landscaped open space?
14. (a) Do you have a swimming pool on the property?  
 Yes     No  
  
 (b) Is the pool available for guest use?  
 Yes     No
15. Please provide proof of separate liability insurance coverage for the Accessory Guest Room, Guest Home or Bed & Breakfast in the amount of a minimum of \$2,000,000.00.

**AFFIDAVIT OR SWORN DECLARATION**

*Declaration for the Application Information*

I, \_\_\_\_\_ of the \_\_\_\_\_  
 in the \_\_\_\_\_

*make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application in respect of the above Sections is true.*

*Sworn (or declared) before me:*

*at the:* \_\_\_\_\_

*in the:* \_\_\_\_\_

*this* \_\_\_\_\_ *day of* \_\_\_\_\_ *200* \_\_\_\_\_

\_\_\_\_\_  
*Commissioner of Oaths*

\_\_\_\_\_  
*Applicant*

**APPLICANTS CHECKLIST:**

Have you included:

- One completed copy of the application form.
- One copy of the Survey or Site Plan required under Section 11.
- One copy of the Floor Plan required under Section 12.
- Registration Fee
- Proof of separate Liability Insurance coverage.

**NOTICE OF COLLECTION**

Personal information on this form is collected under the authority of the Municipal Act. All names, addresses and comments will be included in material available to the public in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). Questions regarding this collection and its release under the act should be directed to the Township of Smith-Ennismore-Lakefield, Attention: Clerk, P.O. Box 270, Bridgenorth, Ontario K0L 1H0, telephone 705-292-9507 ext. 212 during business hours.

# CORPORATION OF THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD

## BED AND BREAKFAST FACILITIES HEALTH AND BY-LAW ENFORCEMENT GUIDELINES

### ROOMS:

**Each guest room shall have the following checked:**

- § Walls and ceilings are reasonably smooth and free from defects and holes that would reduce their effectiveness during a fire
- § Floor surface is reasonably smooth and free of tripping hazards
- § Electrical outlets and switches have adequate covers and electrical fixtures or lamps are provided.
- § Operable window for ventilation/light is provided and equipped with a suitable insect screen.
- § Access door provides privacy and operates freely without use of a key to exit.

### WASHROOMS:

**Each washroom used for guest usage shall:**

- § Have a water closet, basin and tub or shower.
- § Fixtures to be impervious to water and capable of performing their intended function.
- § Floors, walls and ceiling shall be reasonably smooth and clean.
- § Operable window for ventilation shall be provided or where no window and exhaust fan and electrical fixture shall be provided.
- § No toilet shall be located within a bedroom.

### MEANS OF EGRESS:

- § All steps, handrails, guards and doors shall be in reasonably good repair and shall not likely create a hazard.

### PARKING SPACES:

- § Surfaces for parking areas shall be capable of supporting the intended vehicle traffic, be accessible and meet the minimum size requirements of the applicable By-law.
- § Parking spaces shall be reasonably accessible by vehicles.

### FOOD PREPARATION:

- § Provide a suitable dishwashing sink, stove, refrigerator and food storage areas.
- § Operators must possess a food handlers certificate.

### GENERAL:

- § A current well water test must be provided (yearly).
- § Confirmation that the Peterborough County City Health Unit has established that the existing septic system capacity is adequate must be provided (initially)

# CORPORATION OF THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD

## BED AND BREAKFAST FACILITIES LIFE SAFETY GUIDELINES

### **For occupancies with one or two rented rooms and no more than four persons:**

1. A working smoke detector is required for each floor including the basement. These may be battery or electrically operated.
2. One “2A, 10BC” rated fire extinguisher must be provided for each floor of the building, including the basement and for the kitchen.
3. A reasonable level of fire safety must be provided, for example:
  - § Waste or combustible materials must not be allowed to accumulate.
  - § There shall be no abuse of extension cords.
  - § Flammable liquids, such as gasoline must not be stored in the building.

### **For occupancies with three rented rooms or more than four, but less than ten persons:**

These occupancies are governed by Part 9.3 of the Ontario Fire Code and must meet the following requirements:

1. Interconnected smoke alarms must be installed on the ceiling of each floor adjacent to each stairway and on the ceiling in the casement adjacent to each stairway. These must comply with Part 9.3.4.1.(2) of the Ontario Fire Code.
2. One exit must be provided for each of the first and second floors. Corridors that are contiguous to the stairwell may be part of the enclosure if the door openings on the enclosure are a minimum 45 mm solid core wood or suitable alternative and are equipped with automatic closers.
3. If item #2 cannot be met, the Fire Department may approve the addition of interconnected smoke alarms in each bedroom, as an alternative, provided an acceptable level of life safety is maintained.
4. Internally or externally illuminated exit signs shall be located along the means of egress so that the directions of exit travel are apparent to the occupants.
5. Prepare a fire safety plan for approval by the Chief Fire Official.