

BY-LAW NO. 21-01
A BY-LAW RESPECTING SHORT-TERM RENTAL PROPERTIES
IN THE TOWN OF SAINT ANDREWS

BE IT ENACTED by the Council of the Town of Saint Andrews, under the authority vested in it by the *Local Governance Act*, and amendments thereto, hereby makes and enacts this By-Law as follows:

1.0 INTRODUCTION

- 1.1 This By-Law may be cited as the “**Short-Term Rental By-Law**”.
- 1.2 The requirements of this By-Law apply to Short-Term Rental accommodations within the geographical limits of the Town of Saint Andrews.
- 1.3 This By-Law does not apply to:
 - 1.3.1 Hotels, Motels, and Inns;
 - 1.3.2 Retirement Homes or Institutional Homes; or
 - 1.3.3 Campsite rentals at campgrounds.

2.0 DEFINITIONS

- 2.1 “*Bed and Breakfast*” – means an establishment in a single-family dwelling with an operator or responsible person living on-site, offering short-term food and lodging to travellers for compensation but does not include a boarding house, or a hotel or motel.
- 2.2 “*Full-Time Resident*”: means physically living in your primary residential property in Saint Andrews for at least 183 day in a calendar year based on the Residential Property Tax Credit of the Province of New Brunswick.
- 2.3 “*Operator*”: means a person who rents out, or offers for rent, any premises for short-term rental but does not include a person who acts as an intermediary between a short-term rental tenant and the person who receives the rent.
- 2.4 “*Owner-Occupied STRP*”: means a single-family dwelling unit, with the owner in full-time residence, including the primary living unit and accessory dwelling units such as garages, carriage houses, granny suites, in-law suites, etc. that are on the property. A property can contain no more than five (5) sleeping rooms and ten (10) adult occupants with no in sleeping room culinary facilities used for short-term rentals.
- 2.5 “*Responsible Person*”: means a person designated by the operator as the primary contact.
- 2.6 “*Short-Term Rental Property (STRP)*”: means a dwelling unit that is used/or advertised for a short-term rental of 30 days or less for transient occupancy by guests.
- 2.7 “*Sleeping Room*”: means a bedroom in a STRP rental unit.
- 2.8 “*Vacation STRP*”: means all other properties used for short-term rentals that do not meet the definition of *Owner-Occupied STRP*.

3.0 PERMITS

- 3.1 Persons or businesses who own, operate, or offer premises for STRP as of the effective date of this By-Law must apply for a permit under this By-Law.
- 3.2 Persons or businesses who own one or more than one STRP in the Town of Saint Andrews, are required to obtain a permit for each property.
- 3.3 Permits shall be valid for three hundred and sixty-five (365) calendar days from the date issued.
- 3.4 Permits may be revoked by the Town of Saint Andrews for failure to comply with any of the provisions of this By-Law.
- 3.5 Persons or businesses shall not carry on as an STRP operator unless they hold a valid permit issued under the provision of this By-Law.
- 3.6 Permits may be renewed on an annual basis. The Town of Saint Andrews reserves the right to limit the number of STRP permits and/or restrict the number of STRP permits granted to a single entity as per Schedule "A" of this By-Law.
 - 3.6.1 Only one Owner-Occupied permit will be issued to an operator. Any additional permits for STRPs will be subject to the Vacation permit process.
 - 3.6.2 The Town of Saint Andrews will mail a renewal notice to all permit holders no less than thirty (30) days prior to the expiration of a permit. The Town will use the address provided on the Short-Term Rental Application to mail the renewal notice. It is the responsibility of the STRP operator to ensure they are operating under a valid permit. Failure to operate under a valid permit under Section 3.5 will be subject to Administrative Penalties and Fees as stated in Schedule "A".
- 3.7 Operators shall notify the Town as soon as possible of changes to the STRP including ownership, change of address, or cessation of STRP.
- 3.8 If the operator ceases operations of the STRP, the permit becomes void.
- 3.9 A person applying for the issuance or renewal of a permit to operate an STRP must:
 - 3.9.1 Make an application to the Town of Saint Andrews on the form provided for that purpose.
 - 3.9.2 Pay all applicable permit fees associated with the process.
- 3.10 Permits that are issued to the STRP owners or operators are not transferrable with the sale of a property or the sale of a corporation who owns the property.
- 3.11 The STRP permit application shall verify that all the information being provided is true and accurate. The application shall include the following information:

- 3.11.1 The name, telephone number, address, and email address of the operator and responsible person for addressing all permits, maintenance, and safety concerns.
 - 3.11.2 Proof of insurance evidencing homeowner's liability insurance. Rental property or short-term rental, policy number, and amount of insurance must be listed on the insurance document or within a document from the authorized insurance agent or insurance carrier. Liability coverage shall have limits of not less than one million (\$1,000,000.00) dollars per occurrence and shall be maintained for the duration of the of the STRP permit issued by the Town of Saint Andrews.
 - 3.11.3 Proof of registration for the Tourism Accommodation Levy under By-Law 19-06.
 - 3.11.4 The operator acknowledges on the application form they have notified all adjacent neighbouring property owners of the intent to operate an STRP. The operator will provide contact information for emergencies or complaints.
 - 3.11.5 Acknowledgement that payment of all fees and utilities due to the Town of Saint Andrews are current up to date. The Town will review that all payments are current. Any fees in arrears owing to the Town must be paid prior to the issuing of the STRP permit.
 - 3.11.6 STRP Owner-Occupied and Vacation permit fees shall be identified in Schedule "A".
- 3.12 The Town of Saint Andrews will review each application to confirm compliance with all By-Laws, confirmation that all documentation submitted is valid and up to date and determine full-time residency.

4.0 ADVERTISEMENT

- 4.1 Any advertising or description of an STRP must:
- 4.1.1 The permit number from the STRP permit must be on all advertising for the STRP.
 - 4.1.2 Identify the maximum capacity of the STRP.
- 4.2 The permit shall be displayed prominently in the interior of the premises.

5.0 INSPECTIONS

- 5.1 The Town of Saint Andrews reserves the right to inspect STRP to ensure compliance with the By-Law with a notice to request entry within 48 hours. An inspection will occur between 8:30 a.m. and 4:30 p.m. Monday – Friday. Inspections will not occur on Saturdays or Sundays unless there is an emergency.
- 5.1.1 All STRPs will follow best practices for Fire Safety.
 - 5.1.2 The New Brunswick Office of the Fire Marshal will be notified by the Town of Saint Andrews of any STRP permit issued with 6 sleeping rooms or more for the purposes of an inspection. An STRP may be subject to an inspection at the discretion of the Fire Marshal.

- 5.2 The Town of Saint Andrews may also investigate a STRP in response to a complaint to determine the validity of the complaint.
- 5.3 The permit holder shall not impede inspections of the STRP by the Town of Saint Andrews or designates and any interference with the inspection process may be grounds for revoking a STRP permit.

6.0 REGULATIONS

- 6.1 All STRP permit holders are responsible for informing occupants of the noise, open-air fires, and waste disposal restrictions in Saint Andrews.
- 6.2 The operator shall ensure compliance with the By-Laws of the Town of Saint Andrews and all applicable laws and regulations of the Province of New Brunswick. Registration and payment do not constitute confirmation of your compliance with all By-Laws.
- 6.3 No food shall be prepared or served to transient guests by the permit holder unless a designated Bed and Breakfast.
- 6.4 The principal renter of an STRP unit shall be at least twenty-one (21) years of age.
- 6.5 The maximum occupancy of an STRP sleeping room is two adults and up to two minors. A full house can be rented but the maximum occupancy cannot exceed two adults and two minors per sleeping room. Adults are only counted as part of the occupancy limit. Minors are not included in the overall occupancy count of the STRP.
- 6.6 The name and telephone number of the local responsible person and the owner of the STRP will be posted prominently within the STRP unit. Calls or comments from third party website hots shall be answered twenty-four (24) a day, seven (7) days a week, for the duration of each STRP rental period to address problems associated with the STRP.
- 6.7 The occupancy maximum will be listed on the STRP permit issued. Advertising an STRP for more occupants than allowed within this regulation shall be grounds for revocation of the permit.
- 6.8 An STRP shall not be rented on an hourly basis. Rentals must be for a minimum of one day.

7.0 COMPLAINTS/APPEALS

- 7.1 Upon the filing of a complaint regarding an STRP, the Town of Saint Andrews will investigate the complaint and notify the permit holder in writing or by email of such complaint using the mailing address provided on the STRP application form.
- 7.2 If it is determined that three (3) or more violations of this By-Law have occurred within a 12-month period, or if a violation is of a serious nature, the Town of Saint Andrews will conduct a thorough investigation of all violations. The permit to operate an STRP may be suspended or revoked for the specific property based on the results of the investigation. If violations continue to occur, the Town has the right to review all permits held by the owner of the STRPs.

- 7.3 Before suspending or revoking any permit, the permit holder will be given fifteen (15) days written notice of the alleged violation(s) against him/her. The permit holder will then present their case to the Town Clerk before any suspension or revocation of an STRP permit.
- 7.4 If a suspension or revocation of a permit by the Town Clerk is issued, the STRP must cease operations immediately. No rental will be allowed to continue or be subject to the Administrative Penalties outlined in Schedule "A".
- 7.5 Any suspension or revocation of an STRP permit may be appealed to the Town of Saint Andrews Council.
- 7.6 If an STRP permit has been revoked, and revocation has been supported by Council through the appeal process, no permit shall be issued to the applicant for the same property for a minimum of one year.
- 7.7 If operations continue after a revoking of a permit, the owner of the STRP will be subject to Administrative Penalties based on Schedule "A".

8.0 ENFORCEMENT

- 8.1 Any By-Law Enforcement Officer, Fire Prevention Officer, or Fire Marshal are hereby authorized to take such action, exercise such powers, and perform such duties, as may be set out in this By-Law, *Local Governance Act*, or other pertaining law or By-Law they may deem to be necessary to enforce any provisions of this By-Law.

9.0 OFFENCES

- 9.1 Enforcement of this By-Law shall be subject to the provisions of Section 80 of the *Local Governance Act*.
- 9.2 Any operator who violates any provision of this By-Law is guilty of an offence and is liable for conviction of a fine.
- 9.3 Any operator who does not register or circumvents registration with the Town of Saint Andrews under this By-Law is guilty of an offence and is liable on conviction to a fine.
- 9.4 All contraventions of this By-Law are designated By-Law contraventions that may be dealt with a Notice of Penalty pursuant to the provisions of the *Local Governance Act*.
- 9.5 The Administrative Penalties for each applicable contravention of this By-Law shall be in accordance with Schedule "A".
- 9.6 A person to whom a Notice of Penalty is delivered must pay the Administrative Penalty within 30 days of receiving the Notice to:
 - 9.6.1 In-person at the Town of Saint Andrews Office, 212 Water Street, Saint Andrews, New Brunswick by cash, debit, credit card, money order, or bank draft, payable to the Town of Saint Andrews;
 - 9.6.2 By mail: Town of Saint Andrews, 212 Water Street, Saint Andrews, New Brunswick, E5B 1B4 by money order or bank draft, payable to the Town of Saint Andrews; or

9.6.3 By phone to the Town of Saint Andrews at 506-529-5120 via credit card.

9.7 A person who pays the Administrative Penalty shall be deemed to have contravened the provisions of the By-Law in respect of which the payment was made and shall not be charged with an offence in respect of the same incident that gave rise to the Administrative Penalty.

9.8 If the Administrative Penalty is not paid in accordance with Section 9.6, then the permit for the STRP will be revoked and the STRP will cease to operate upon revocation of the permit. Once an STRP permit has been revoked, no new permit shall be issued to the applicant for the same property for a period of one year.

9.9 Conviction of a person for an offence under this By-Law or the payment of an Administrative Penalty does not relieve the person from compliance with this By-Law.

10.0 EFFECTIVE DATE

This By-Law comes into effect on _____ (Month), _____ (Day), 20____

There will be a grace period for filing until September 1, 2021 for any late filings without incurring any penalties. If STRPs want to continue operating they shall start the permit process as soon as possible.

Read the First Time this 18th day of January , 2021

Read the Second Time this 15th day of March , 2021

Read the Third Time this day of , 20____

Doug Naish, Mayor

Paul Nopper, Clerk – Senior
Administrator

SCHEDULE “A”
SHORT-TERM RENTAL RESIDENTIAL UNITS
FEES AND ADMINISTRATIVE PENALTIES

STRP PERMIT FEES

Owner-Occupied STRP permit fee of:

- \$50.00 per STRP.
- Only one Owner-Occupied STRP permit will be issued. Additional permits for other STRP properties are subject to the Vacation STRP permit.

Vacation STRP permit fee of:

- \$150.00 per first STRP.
- \$300.00 per second STRP.
- \$600.00 per third STRP.

As per Section 3.6, the Town reserves the right to limit the number of permits to a maximum of 3 for:

- Owners/Operators
- Families
- Entities
- Businesses
- Corporation

ADMINISTRATIVE PENALTIES

OFFENCE	PENALTY
Operating without a permit	The daily rental fee for each day rented in violation of the STRP By-Law and a \$500.00 fine.
Failure to follow Regulations	
First Offence	Written Warning
Second Offence	\$250.00 fine
Third Offence	\$500.00 fine and One Month Suspension
Fourth Offence	\$1,000.00 fine and One Year Suspension

As outlined in Section 9.8: If the Administrative Penalty is not paid in accordance with Section 9.6, then the permit for the STRP will be revoked and the STRP will cease to operate upon revocation of the permit. Once an STRP permit has been revoked, no new permit shall be issued to the applicant for the same property for a period of one year.