

THE TOWN OF THE CITY OF DAWSON

BYLAW #92-19

A Bylaw to regulate Bed and Breakfast operations within the City of Dawson.

WHEREAS, Section 276 of the Municipal Act, Chapter 119, Statutes of the Yukon Territory, provides that Council may by Bylaw control and regulate all businesses carried on within the municipality including the manner of operation, the nature of operation, the location thereof, and may license any or all such businesses;

NOW THEREFORE, the Council of the City of Dawson in open meeting assembled hereby ENACTS AS FOLLOWS:

1.00 SHORT TITLE

This Bylaw may be cited as the "Bed and Breakfast Bylaw".

2.00 DEFINITIONS

In this Bylaw:

2.01 "BED AND BREAKFAST" means an owner-occupied residence with up to three (3) guest rooms used for temporary overnight accommodation of the travelling public and may include limited food service to the guests and shall require approval of the Health Officer, as defined in the Yukon Public Health Act or any person appointed by Council as the Health Officer.

2.02 "BUSINESS" means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal, or other services for the purposes of gain or profit. Approval by the Health Officer, as defined in the Yukon Public Health Act or any person appointed by Council as the Health Officer.

2.03 "LICENSE INSPECTOR" means the persons appointed by Bylaw or resolution of the Council as Bylaw Enforcement Officer of the Town of the City of Dawson.

2.04 "PEACE OFFICER" includes a Bylaw Enforcement Officer of the Town of the City of Dawson

3.00 BED AND BREAKFAST LODGING

Where Bed and Breakfast accommodation is a permitted accessory use, the following requirements shall be met:

- 3.01 a) A business licence shall be obtained according to the provisions of the City of Dawson Business Licence Bylaw and shall require renewal as set out in the current license bylaw.
- b) A Change in use and occupancy of a dwelling unit for purposes of establishing Bed and Breakfast accommodations shall require prior approval through the development permit process as outlined in the Zoning Bylaw.
- c) 1) the operation shall require approval by the Health Officer, as defined in the Yukon Public Health Act, or any person appointed by Council as a Health Officer;

- 2) at any reasonable time, the Health Officer shall be allowed to enter and examine the operation and anything used in connection with that operation. A health inspection report, indicating a Health Officer's approval, shall be completed within the six month period immediately prior to licence renewal;
 - 3) the operation shall require approval by the Fire Chief as defined by the National Fire Code; and
 - 4) the issuance of the annual business licence shall be contingent on City of Dawson completing its inspections to satisfaction of the Bylaw Enforcement Officer and compliance by the current operator to all regulations and Bylaws.
- d) The bed and breakfast shall be operated by a live-in owner as a permitted secondary use only with a maximum of three (3) guest rooms for such an operation.
 - e) Bed and breakfast homes shall not generate pedestrian or vehicle traffic, or parking, in excess of that which is characteristic of the area in which it is located or change the principal residential character or external appearance of the dwelling involved.
 - f) Bed and breakfast homes shall not be approved where approval would result in a concentration of such operations on a group of adjacent sites, or within a block, which would alter the residential character of the area.
 - g) Bed and breakfast homes shall not be approved where, in the opinion of the City of Dawson Planning Board and/or City Council, they would displace needed boarding and staff dwellings.
- 3.02 Bed and breakfast lodging shall only be permitted in single detached housing.
- 3.03
- a) A licence may be revoked at any time if, in the opinion of the Licencing Inspector, the operator of a bed and breakfast home has violated any provisions of this Bylaw or the conditions of the current business licence.
 - b) In granting a licence for a bed and breakfast home, the Licence Inspector may restrict the use to a specified time limit after which an application must be made to continue the use.
- 4.00 GENERAL REGULATIONS
- 4.01
- a) Any sleeping unit shall be located within the main building, and the site shall contain no more than one principal building.
 - b) A Bed and Breakfast shall not be condominiumized.
 - c) All Bed and Breakfast shall comply with the regulations of the Public Health Act and City of Dawson Bylaws.
 - d) A Bed and Breakfast may serve limited meals to its registered guests.

- e) All Bed and Breakfast operations shall complete a Statutory Declaration stating occupancy loads (including dwelling occupants), off-street parking availability, sanitary facilities, number of guest rooms & guests per room, and compliance with health and safety regulations.
- f) The maximum number of bathroom facilities required per dwelling occupant (to include permanent residents) in a Bed and Breakfast operation shall be six occupants using one sanitary facility (basin, toilet, shower and/or bath).
- g) The maximum number of guests per room shall equal the number of beds provided in each room (queen, king, double - 2 occupants, single - 1 occupant) at time of City inspection.
- h) The City of Dawson shall serve a copy of a notice by registered first class mail on each assessed property owner within a radius of 150 feet from the property proposing a Bed and Breakfast operation and shall grant a 14 day appeal period prior to issuance of the license.
- i) Bed and Breakfast operations shall be assessed for reality tax purposes under existing legislation.
- j) The Owner may, within fourteen (14) days of receiving an Order from the City of Dawson, appeal in writing against the Order to the Council of the City of Dawson.
- k) Bed and Breakfast accommodations shall not be permitted coincidentally with the keeping of boarders and lodgers.
- l) Bed and Breakfast home operations in existence on the effective date of the passing of this Bylaw shall be required to complete a Statutory Declaration outlining their existing operation. Any deviation from the Statutory Declaration by the operation shall result in the cancellation of the Business license.

5.00 DESIGN REGULATIONS

- 5.01 a) Off-street parking shall be provided on site by providing one parking spot per two (2) bedrooms available for rent (in addition to the space required for residential use as per relevant City Zoning Bylaw).
- b) All Bed and Breakfasts shall include guest areas, common areas, common areas including a dining room intended for the use of guests, food service provided by the Owner, and a) owner's suite which shares a kitchen with the Bed and Breakfast.
- c) Special consideration may be given to permitting Bed and Breakfasts in heritage homes provided the heritage character is maintained and upgraded.
- d) There shall be no exterior display or advertisement larger than .63 metres square in area, such sign to be historical in nature, unilluminated and compatible with the residential character of the area and be in compliance with the City of Dawson relevant Zoning and Historical Control Bylaws.
- e) The guest room must meet the minimum room size requirements as set out in the National Building Code that being 7m² for single occupancy and 4.6m² for double occupancy.

6.00 BUILDING CODE REQUIREMENTS

- 6.01 a) Approved smoke alarms shall be in each sleeping room and hallway. Portable fire extinguishers (2A10 B.C) shall be provided and maintained in each hallway on each floor.
- b) No unsafe condition shall exist.
- c) Buildings shall comply with all National Building and Fire Codes.

7.00 FOOD SERVICE

- 7.01 a) The Bed and Breakfast accommodations may provide limited food service to the registered guest(s) that have used their accommodation the previous evening.
- b) Only food from an approved source may be served to the registered guest(s).
- c) Farm produced foods (i.e. eggs, milk, and/or meat are obtained from farm animals on site), and home canned or jarred products must be approved by a Health Officer.
- d) Perishable products shall be stored below 40° F / 4° C or above 140° F / 60° C. ✓
- e) Cooling units that store perishable food product(s) are to have an accurate thermometer, and the temperature regularly checked to ensure safe storage.
- f) Kitchen shall be constructed so that it is readily cleanable, and maintained in good condition. Surfaces (walls, floor covering, counters, cabinets, drawers, etc.) are to be nonabsorbent, smooth, free from cracks/crevices, and maintained in a clean/sanitary manner.
- g) Kitchen shall have a minimum lighting intensity of 50 foot candles (540 lux), measured one meter from the floor.
- h) Food products shall be protected from contamination (i.e. covered, placed in sealed containers, etc.).
- i) Utensils, equipments and any apparatus used in the preparation, cooking, storage, serving or consumption of food shall be free of breaks, corrosion, open seams, cracks/chips and maintained in a clean/sanitary condition.
- j) Paper towels and soap, each in their own dispenser shall be available at the kitchen sink to facilitate hand washing.
- k) Thorough hand washing is to be performed prior to the handling of food.
- l) Hair restraint (i.e. hair net, clean light-coloured cap) and clean outer garments are to be worn during food preparation.
- m) The food handler is to practice good hygiene, and be free from any infectious agent of a disease that may be spread through the medium of food or drink.

- n) Animals are not permitted in the kitchen area during preparation of food to be consumed by registered guests.
- o) Minimum of a two compartment kitchen sink is to be available for the manual cleaning and sterilizing of dishes, glasses or utensils and the following method shall be employed:
 - 1) wash dishes, glasses or utensils using a detergent solution in warm water, then
 - 2) rinse them in a second sink with warm clean water, then
 - 3) sterilize them in a third compartment (operator could drain the wash water, clean and use the first sink) by immersion in warm water with a chlorine solution of not less than 100 parts per million for a minimum of 2 minutes (1 tablespoon or capful of household bleach for each gallon of water), then
 - 4) air dry them in a clean dish rack (using a dish towel may add bacteria to the sanitized dishes), finally
 - 5) store them in such a manner as to prevent contamination.

OR

Where a domestic dishwasher is used, it must be maintained and operated according to the manufacturer's specifications. The following dishwashing method shall be employed:

- 1) prerinse dishes, glasses, and utensils to remove most of the soiled material, then
- 2) place them in dishwasher so that the mechanical action of the water will remove soiled material, then
- 3) allow them to dry within dishwashing unit, finally
- 4) store them in such a manner as to prevent contamination.

8.00 ACCOMMODATIONS

- 8.01 a) Bedding, towels/cloths, bath mats, combs and hair brushes used by more than one person must be thoroughly cleansed and sanitized between users.
- b) Common use soap and tooth brushes are not permitted.
- c) Toilet/bathing facilities and fixtures shall be treated daily (more often, if necessary) with a suitable disinfectant.
- d) Toilet, wash basin, and bathing tub or shower stall shall be provided for every 6 occupants (including permanent residents).
- e) Each toilet facility is to have a natural and/or mechanical ventilation system that is maintained in good operating condition.
- f) Chemicals, hazardous products and medications are stored in such a manner that they are not accessible to children.

- g) Sleeping rooms and any other room used for or by the registered guest(s) are to be maintained in a clean/sanitary condition, and free from any condition that is or might become injurious or dangerous to public health, or that might hinder in any manner the prevention or suppression of disease.

9.00 WATER AND SEWAGE DISPOSAL

- 9.01 A sufficient supply of potable water, that complies with the criteria outlined in the most recent edition of the "Guidelines for Canadian Drinking Water Quality", shall be provided.
- 9.02 All sewage, including liquid waste, shall be disposed of by a municipal sewer system or by a private sewage disposal system constructed, maintained and operated according to applicable legislation.

10.00 SUMMARY CONVICTION

- 10.01 A notice or form commonly called a Summary Conviction Ticket may be issued by a Peace Officer to any person alleged to have breached any provisions of this Bylaw, and the said notice may require the payment in an amount not to exceed \$500.00.
- 10.02 A Summary Conviction Ticket shall be deemed to be sufficiently served:
- a) if served personally on the accused;
 - b) if mailed by registered mail to the address of the legal real property owner; or
 - c) if attached to or left at the residence in respect of which the offence is alleged to have been committed.
- 10.03 Any person who commits a breach of any of the provisions of this Bylaw shall, on conviction for such breach, be liable to a penalty not exceeding \$500.00; exclusive of costs, or to imprisonment, in the case of non-payment, for a term not exceeding 6 months, or to both a fine and imprisonment.

11.00 COMING INTO FORCE

- 11.01 The provisions of this Bylaw shall come into full force and effect on final passing thereof.

READ A FIRST TIME THIS 20th DAY OF August, 1992.

READ A SECOND TIME THIS 15th DAY OF April, 1993.

READ A THIRD TIME AND FINALLY PASSED THIS 15th DAY OF April, 1993.


Mayor


Clerk

