

**CANADA
PROVINCE OF QUÉBEC
MUNICIPALITY OF LA PÊCHE**

BY-LAW 19-787

BY-LAW AMENDING ZONING BY-LAW 03-0429, AS AMENDED (SHORT-TERM RENTALS)

Whereas a municipality can issue a by-law to amend a zoning by-law that covers all or part of its territory (CQLR, c. A 19.1).

Whereas the La Pêche Municipal Council considers it is timely and in the public interest to amend certain provisions of Zoning By-Law 03-249.

Whereas at an earlier meeting on April 1, 2019, the La Pêche Municipal Council adopted a first draft by-law, for which a public consultation was held at a meeting on April 15, 2019.

Whereas following the comments made by the people who spoke at the public consultation meeting, the municipal council considered it appropriate to make certain changes to the second draft by-law.

Whereas following the adoption of a second draft by-law at the meeting on May 6, 2019, no valid request was received by the deadline specified in the Act for any of the provisions of By-law 19-787 to be submitted to eligible voters for approval.

Whereas the notice of motion of this by-law was duly given at the meeting on April 1, 2019;

Therefore it was resolved that the La Pêche Municipal Council adopt **By-law 19-787 regulating short-term rentals** and that the Council ordain and decree as follows:

SECTION 1: PREAMBLE

The preamble is an integral part of this by-law amending the Municipality of La Pêche zoning by-law, for all legal purposes.

SECTION 2: ADDITIONS TO SECTION 2.1: GLOSSARY (DEFINITIONS)

Zoning By-law 03-429, as amended, is amended by the addition of the following definitions:

Camping Québec:

Organization entrusted by the minister responsible for *the Act respecting tourist accommodation establishments (chapter E-14.2)* with managing the **classification program for campgrounds** under the Act and its regulation (E-14.2. r.1).

Corporation de l'industrie touristique du Québec (CITQ):

Organization entrusted by the minister responsible for the *Act respecting tourist accommodation establishments (chapter E-14.2)* with managing the classification program for seven categories of establishments governed by the Act and its regulation (E-14.2, r.1): hotel establishments, bed and breakfast establishments, tourist homes, educational establishments, resorts, youth hostels or other accommodation establishments.

Tourist accommodation establishment:

Any establishment in which at least one accommodation unit is offered for rent to tourists, in return for payment, **for a period not exceeding 31 days**, on a regular basis in the same calendar year and the availability of which is made public.

Accommodation offered only for festivals or special events (sports, cultural, historic events), statutory holidays (Christmas, Easter, Canada Day, Patriots' Day, Thanksgiving, etc.), or special breaks (e.g., spring break) is excluded. Advertisements for these types of accommodation must clearly indicate that it is only available for that specific period. If the advertisement is posted repeatedly, it will be considered accommodation regularly made available to the public.

For the purposes of this by-law, the classes of tourist *accommodation establishments* are the following:

1° Hotel establishments: Establishments that offer accommodation in furnished rooms, suites or apartments that have self-catering kitchen facilities, including reception and daily housekeeping services and all other hotel services;

2° Tourist homes: Establishments that offer accommodation in furnished apartments, houses, or cottages, including self-catering kitchen facilities;

For the purposes of this Regulation, a "Tourist home" is to be distinguished from a residence intended to serve as a permanent home by the owner or a permanent tenant.

3° Resorts: Establishments that offer, for an all-inclusive price, accommodation, including food services or self-catering kitchen facilities, recreational or entertainment services, and recreational facilities and equipment;

4° Bed and breakfast establishments: Establishments that offer, for an all-inclusive price, accommodation in rooms in a private residence where the operator resides and rents a maximum of 5 rooms receiving a maximum of 15 persons, including breakfast served on the premises;

For the purposes of this by-law, a « Bed and breakfast establishment » within the meaning of the Act respecting tourist accommodation establishments (chapter E-14.2) and its regulation (E-14.2. r.1), Establishments Act (Chapter E-14.2) and its regulations (E-14.2, r.1), must be considered as complementary use class 5.12.11: B & B with reference to Zoning By-law 03-429 as amended.

5° Youth hostels: Establishments that offer accommodation in rooms, or in beds in one or more dormitories, including food services or self-catering kitchen facilities and full-time supervision;

6° Educational establishments: Establishments that offer accommodation in an educational institution, governed by any Act, except if the accommodation units are rented to students of the institution only;

7° Camping establishments: Establishments that offer accommodation in ready-to-camp units (cabins, yurts, all types of tents, tepees, igloos, trailers, etc.) or on campgrounds composed of permanent sites to accommodate tents or recreational camping vehicles, motorized or not, including services;

8° Outfitting establishments: Establishments that offer accommodation in an outfitting operation within the meaning of the *Act respecting the conservation and development of wildlife (chapter C-61.1)*;

9° Other accommodation establishments: Tourist accommodation establishments that belong to none of the other classes.

Quebec Outfitters Federation Inc. QOF):

Organization entrusted by the minister responsible for the *Act respecting tourist accommodation establishments (chapter E-14.2)* with managing the **classification program for outfitting establishments** under the *Act* and its regulation (*E-14.2.r.1*).

Short-term rental:

Refers to the process in which at least one accommodation unit is offered for rent to tourists, in return for payment, **for a period not exceeding 31 days**, on a regular basis in the same calendar year and the availability of which is made public.

Short-term rentals must be considered commercial or tourist accommodation.

Residence (permanent home):

Means a type of occupancy of an accommodation unit (house, apartment, cottage, etc.) or a room, used as a primary residence or permanent home.

Tourist:

Means a person who takes a leisure or business trip, or a trip to carry out paid work, of not less than one night outside their municipality and who uses private or commercial accommodation services.

Accommodation unit:

Applies to a room, bed, suite, apartment, house, cottage, ready-to-camp units (cabins, yurts, all types of tents, tepees, igloos, trailers, etc.), or a camp site.

SECTION 3: ADDITION OF THE SPECIFIC USE CLASS 5.10.14: SHORT-TERM RENTAL

Zoning By-law 03-249, as amended, is amended by the addition of the following section after Section 5.10.13:

5.10.14 Class 14: Short-term rental

In this type of use, at least one accommodation unit is offered for rent to tourists, in return for payment, for a period not exceeding 31 days, on a regular basis in the same calendar year and the availability of which is made public.

For the purposes of this regulation, each accommodation unit must be associated with one of the following tourist accommodation establishment categories:

1° Hotel establishments: Establishments that offer accommodation in furnished rooms, suites or apartments that have self-catering kitchen facilities, including reception and daily housekeeping services and all other hotel services;

2° Tourist homes: Establishments that offer accommodation in furnished apartments, houses, or cottages, including self-catering kitchen facilities;

For the purposes of this Regulation, a "Tourist home" is to be distinguished from a residence intended to serve as a permanent home by the owner or a permanent tenant.

3° Resorts: Establishments that offer, for an all-inclusive price, accommodation, including food services or self-catering kitchen facilities, recreational or entertainment services, and recreational facilities and equipment;

4° Bed and breakfast establishments: Establishments that offer, for an all-inclusive price, accommodation in rooms in a private residence where the operator resides and rents a maximum of 5 rooms receiving a maximum of 15 persons, including breakfast served on the premises;

For the purposes of this by-law, a « Bed and breakfast establishment » within the meaning of the Act respecting tourist accommodation establishments (chapter E-14.2) and its regulation (E-14.2. r.1), Establishments Act (Chapter E-14.2) and its regulations (E-14.2, r.1), must be considered as complementary use class 5.12.11: B & B with reference to Zoning By-law 03-429 as amended.

5° Youth hostels: Establishments that offer accommodation in rooms, or in beds in one or more dormitories, including food services or self-catering kitchen facilities and full-time supervision;

6° Educational establishments: Establishments that offer accommodation in an educational institution, governed by any Act, except if the accommodation units are rented to students of the institution only;

7° Camping establishments: Establishments that offer accommodation in ready-to-camp units (cabins, yurts, all types of tents, tepees, igloos, trailers, etc.) or on campgrounds composed of permanent sites to accommodate tents or recreational camping vehicles, motorized or not, including services;

8° Outfitting establishments: Establishments that offer accommodation in an outfitting operation within the meaning of the *Act respecting the conservation and development of wildlife (chapter C-61.1)*;

9° Other accommodation establishments: Tourist accommodation establishments that belong to none of the other classes.

SECTION 4: GENERAL AND SPECIAL PROVISIONS APPLICABLE TO ALL CATEGORIES OF TOURIST ACCOMMODATION ESTABLISHMENTS

Zoning By-law 03-249, as amended, is amended by the addition of the following sections after Section 25.6:

25.7 GENERAL PROVISIONS APPLICABLE TO ALL CATEGORIES OF TOURIST ACCOMMODATION ESTABLISHMENTS

The general provisions in this section apply to all categories of tourist accommodation establishments and supersede all other provisions to the contrary herein.

Conditions or obligations applicable to all categories of tourist accommodation establishments:

- a) The owner of the building in question must hold an occupancy certificate for non-residential use issued by the Municipality and renewable annually;
- b) The owner of the building in question must hold a classification certificate issued either by Corporation de l'industrie touristique du Québec (CITQ), Camping Québec, or the Quebec Outfitters Federation, Inc. The certificate must be filed with the Municipality within 60 days of the date of issue of the occupancy certificate for non-residential use.
- c) The owner of the building in question must have \$2 million in civil liability insurance;

- d) The owner of the building in question must have samples taken from the potable water supply for the building at least twice a year for analysis by a laboratory accredited by Ministère de l'Environnement et de la Lutte contre les changements climatiques (MELCC);
- e) To prevent people from parking on the street or pathways, the building offered for rent must have enough off-road parking spaces for all occupants. The number of parking spaces must be at least equal to the number of bedrooms;
- f) The building in question must comply with the municipal regulation establishing fire safety rules for commercial accommodation;
- g) If the building in question is not connected to the municipal sewer system, use as a short-term rental is also conditional upon the presentation of an inspection and capacity certificate for the waste water discharge and treatment system (septic tank) issued and signed by an engineer or professional technologist within the last 24 months. The certificate must be filed with the Municipality within 120 days of the date of issue of the occupancy certificate for non-residential use.

25.8 SPECIFIC PROVISIONS APPLICABLE TO THE “TOURIST HOME” CATEGORY OF TOURIST ACCOMMODATION ESTABLISHMENTS

Besides the general provisions of Section 25.7 applicable to all categories of tourist accommodation establishments, the special provisions applicable to “Tourist Homes” supersede all provisions to the contrary herein.

Specific characteristics:

- a) For the purposes of this Regulation, a "Tourist home" is to be distinguished from a residence intended to serve as a permanent home by the owner or a permanent tenant.
- b) Such occupancy can only be associated with one of the use classes in 5.8.1 to 5.8.8 and 5.8.15 of the predominant residential group and with one of the construction classes in 6.1.1 to 6.1.8 and 6.1.15 of the predominant residential building group:

Use classes		Building categories	
5.8.1	Unimodular single fam. (mobile home)	6.1.1	Unimodular single family
5.8.2	Detached single family	6.1.2	Detached single family
5.8.3	Semi-detached single family	6.1.3	Semi-detached single family
5.8.4	Detached two family	6.1.4	Detached two family
5.8.5	Single family row home	6.1.5	Single family row home
5.8.6	Detached three family	6.1.6	Detached three family
5.8.7	Semi-detached two family	6.1.7	Semi-detached two family
5.8.8	Multifamily (max. 4 units)	6.1.8	Multifamily (max. 4 units)
5.8.15	Seasonal dwelling (cottage)	6.1.15	Seasonal dwelling (cottage)

Obligations or applicable special restrictions:

- a) In all cases, the certificate of occupancy for a non-residential use must be accompanied by a copy of the deed of sale (sale) of the immovable concerned to attest that no servitude or disposition prohibits short-term rental or commercial accommodation.

In the case of a co-ownership, a letter of consent signed by the co-owners, allowing the short-term lease, or a letter from the co-owner union indicating that such use is authorized.

- b) No occupancy certificate for such use can be issued for « Tourist accommodation establishment » located **less than 150 meters** from another « Tourist accommodation establishment » already approved (except for buildings in zones designated as CRT [recreation and tourism businesses and services], CSL [business and services for local residents], or MCS [mixed-use businesses and services];
- c) A sign indicating the tourist accommodation establishment category must be permanently displayed outside the building in question and visible from the street or path. For “**Tourist homes**”, the sign must be displayed under the street number installed by the Municipality;
- d) No owner, tenant, or occupant of a unit offered as a short-term rental can use a tent, trailer, camper trailer, or recreational vehicle parked or stored at the building in question;
- e) No occupant of a unit offered as a short-term rental can transport or operate any type of boat (with a motor or not), unless the boat is provided by the owner of the building in question;
- f) Open fires are permitted, subject to compliance with the conditions prescribed in By-law 16-RM-05 and 18-RM-05-1, which establish fire safety standards.

However, no fire is permitted when winds exceed fifteen (15) km / h or when the flammability index reaches the "extreme" rating according to the Société de protection des forêts contre le feu « SOFPEU ». No open fire is allowed when the flammability index reaches the "very high" rating according to SOFPEU.

- g) The use of fireworks and fireworks is prohibited to any occupant of a "Residence of tourism".
- h) Such use must not be a source of noise or inconvenience that disturbs the peace and quiet of the neighborhood;

SECTION 5: EXCEPTIONS TO THE DEFINITION OF TOURIST ACCOMMODATION ESTABLISHMENT

For the purpose of applying this by-law, offering accommodation only at a festival or special event (sports, cultural, historical), statutory holidays (Christmas, Easter, Confederation) Patriots, Thanksgiving, etc.) or special holidays (eg, spring break) is not considered a tourist accommodation establishment. Advertising for this type of offer must clearly demonstrate that hosting is available only during that specific period. A repetition of this advertisement would be considered as a rental offer made public on a regular basis.

Such an exception also applies to an owner offering a single room for rent in his permanent residence.

SECTION 6: AREAS WHERE THE DIFFERENT CATEGORIES OF THE “5.10.14: SHORT-TERM RENTALS” USE CLASS ARE AUTHORIZED

1° Hotel establishments:

Hotel establishments are authorized in areas where either use class “5.2.16: Hotel complex” (40 or more rooms) or use class “5.2.17: Commercial accommodation” are authorized, depending on the number of rooms.

2° Tourist homes:

Tourist homes are authorized in all areas where any of use classes 5.8.1 to 5.8.8 and 5.8.15 of the predominant residential group are authorized:

Use classes	
5.8.1	Unimodular single family (mobile home)
5.8.2	Detached single family
5.8.3	Semi-detached single family
5.8.4	Detached two family
5.8.5	Single family row home
5.8.6	Detached three family
5.8.7	Semi-detached two family
5.8.8	Multifamily (max. 4 units)
5.8.15	Seasonal dwelling (cottage)

3° Resorts:

Resorts are authorized in areas where use class “5.9.2: Recreational and tourism center” is authorized.

4° Bed and breakfasts:

Bed and breakfasts are authorized in areas where additional use class “5.12.11: Bed and breakfasts” are authorized.

5° Youth hostels:

Youth hostels are authorized in areas where use class “5.9.2: Recreational and tourism centre” is authorized.

6° Educational establishments:

Educational establishments are authorized in areas where use class “5.7.2: Public or private education” is authorized.

7° Camping establishments:

Camping establishments are authorized in areas where use class “5.9.4: Campground” is authorized.

8° Outfitting establishments:

Outfitting establishments are authorized in areas where use class “5.9.1: Outfitting” is authorized.

9° Other accommodation establishments:

Tourist accommodation establishments that do not fit any other category.

SECTION 7: REPEAL AND REPLACEMENT OF SECTION 26.2: PENALTIES UNDER THIS BY-LAW

Section 26.2 of Zoning By-law 03-429, as amended, is repealed and replaced with the following:

26.2 PENALTIES UNDER THIS BY-LAW

Anyone who violates this by-law is subject to a fine of **between \$500 and \$1,000** in the case of a natural person, or between **\$1,000 and \$4,000** in the case of a legal person.

For a second offence, violators are subject to a fine of **between \$1,000 and \$2,000** in the case of a natural person, or between \$2,000 and \$4,000 in the case of a legal person.

Any ongoing violation of a provision in this by-law constitutes a separate and distinct offence each day.

For violations of sections 25.7 and 25.8 of this by-law, the owner of the building in question is considered responsible, even if not present when the violation was observed.

In all cases where the penalty is a fine, legal costs are extra.

SECTION 7: ENTRY INTO FORCE

This by-law will come into effect after all provisions provided for in the Act have been met.

ADOPTED by the La Pêche Municipal Council at a regular meeting on June 3, 2019.

Guillaume Lamoureux
Mayor

Marco Déry
Director General and Secretary-Treasurer

Notice of motion	:	April 1, 2019 (19-109)
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