

RESORT VILLAGE OF MANITOU BEACH

A BYLAW TO REGULATE BUSINESSES WITHIN THE RESORT VILLAGE OF MANITOU BEACH

BYLAW NO 39-2024

The council of the Resort Village of Manitou Beach in the Province of Saskatchewan enacts as follows:

PART I GENERAL MATTERS

Short Title

1. This bylaw shall be referred to as the "Business License Bylaw".

Purpose

2. The purpose of this Bylaw is to license businesses in the Resort Village of Manitou Beach so as:
 - a) To regulate businesses;
 - b) To ensure compliance with land-use and building regulations;
 - c) To gather land-use information;
 - d) To gather workforce statistics;
 - e) To facilitate planning decisions;
 - f) To recover the cost administering and regulating the activity and enforcing the regulatory scheme.

PART II DEFINITIONS

Definitions

3. In this Bylaw, the following terms will have the following meanings:
 - a) "**Act**" means *The Municipalities Act* and amendments thereto.
 - b) "**Administrator**" means the administrator of the Municipality.
 - c) "**bed and breakfast**" means a dwelling unit in which the occupants thereof use a portion of the dwelling unit for the purpose of providing, for remuneration, sleeping accommodations and one meal per day to members of the general public, for periods of two weeks or less, and in which:
 - i. not more than six bedrooms within the dwelling unit are used to provide such sleeping accommodation;
 - ii. the dwelling unit is the principal residence of the person or persons receiving the remuneration and providing the sleeping accommodation and one meal per day; and,
 - iii. the meal which is provided is served before noon each day.

- d) “**business**” means any of the following activities, whether or not for profit and however organized or formed;
- i. A commercial, merchandising or industrial activity or undertaking;
 - ii. The carrying on of a profession, trade, occupation, calling or employment;
 - iii. An activity providing goods and services;
- e) “**campground**” means a tract or parcel of land that is intended or permitted to be used by the traveling public for overnight stays that contains sites for tents or recreational vehicles, whether or not a charge is made or paid for the use of the sites;
- f) “**contractor**” means a person who constructs, alters, maintains, repairs or removes buildings or structures, performs electrical work, installs heating plants, plumbing fixtures or performs other similar work in the Village and does not have a business premises in the Village;
- g) “**direct sales contractor**” means a vendor who sells, offers for sale or solicits orders for:
- i. constructing, altering, renovating, maintaining, repairing, adding to or improving a building that is used or is to be used as a house by the owner, occupier or person in control of it; or
 - ii. altering, maintaining or improving real property to be used in connection with a house;
- h) “**direct seller**” means a person who:
- i. goes from house to house selling or offering for sale, or soliciting orders for the future delivery of, goods or services;
 - ii. by telephone offers for sale or solicits orders for the future delivery of goods or services; or
 - iii. does both of the things mentioned in subclauses (i) and (ii);
- i) “**farmers’ market**” means a group of persons operating collectively which sells products that they bake, make or grow;
- j) “**flea market**” means that area, whether enclosed by a building or not, in which individual stalls are rented to vendors other than those who own the premises, for the purpose of individually exposing new or used good for sale, and shall include a Farmers Market;
- k) “**goods**” means any article, thing or substance and includes subscriptions for books, magazines or any printed mater;
- l) “**home based business**” Shall mean an accessory use of a dwelling unit by a resident of the dwelling for a business which is secondary and incidental to the primary use of the dwelling as a residence and does not change the residential character of the buildings or site.
- m) “**home based business – Type I**” means a home based business owned and operated by a resident or residents of the dwelling unit.

- n) **“home based business – Type II”** means a home based business owned and operated by a resident or residents of the dwelling unit, but where no more than one non-resident person may be employed on the site.
- o) **“hotel”** means a building or portion of a building offering temporary sleeping accommodation to the general public and may provide additional services, such as restaurants, meeting rooms, entertainment and recreational facilities.
- p) **“motel”** means an establishment consisting of a group of attached or detached living or sleeping accommodations each with a bathroom, located on a lot or site and designed for use by the public, and may include a restaurant or licensed dining room and living accommodations for the owner or operator.
- q) **“mobile food vehicle”** means a motor vehicle, mobile, self-contained vehicle that is equipped to cook, prepare or serve food, and does not include trailers or vending carts;
- r) **“mobile vendor”** means a person who operates:
 - i. a vending cart; or
 - ii. a mobile food truck;
- s) **“Municipality”** means the Resort Village of Manitou Beach.
- t) **“Pop Up Vendor”** means a temporary retail space that is typically used to introduce a new product line, test a new market, or general awareness for a product or cause.
- u) **“services”** means performing a service or work, act or deed, for any compensation whether monetary or otherwise;
- v) **“short-term accommodation”** means private residential dwelling (or part of dwelling) that are rented to provide accommodations to a person or persons on a temporary basis for a period of less than 30 days and to which the Residential Tenancies Act, 2006, S.O. 2006, c. 17, as may be amended from time to time, does not apply. Short-Term Accommodations do not include bed and breakfast establishments, hotels, motels, lodges, or other commercially zoned accommodation uses for the travelling public.
- w) **“sleeping unit”** means a room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both.
- x) **“vending cart”** means stationary stands, kiosks, or mobile units such as hand carts that sell food and beverage items or wares and merchandise on public sidewalks.
- y) **“Village”** means the Resort Village of Manitou Beach;

PART III GENERAL LICENSING

License Required

4. No person shall carry on any business in the Village without a license.

Application

5. A person must apply in writing to the Village for a Business License before commencing any business.
6. An application must include all requested information, including but not limited to:
 - a) Name, address and phone number of the applicant;
 - b) The nature of the business for which the application is required;
 - c) The place where the business is to be carried out;
 - d) The name under which the business will be operated;
 - e) The area of the premises where the business will be carried on;
 - f) The name, address and phone number of a contact person;
 - g) A completed Development Permit and supporting documents (when applicable).
7. Notwithstanding the provisions of this bylaw, the Village, at its sole discretion, may require the general contractor of a project to provide a list of sub-trades for the project and the total business license fees will be payable by the general contractor with the term of the business license to expire at the end of the project. Business licenses for the individual sub-trades listed will be included within the business license of the contractor.

License Fee

8. A person must pay the fee provided for in Schedule "A" prior to the license being issued. A person will not be issued a license until the fee is paid.

Premises Licensed Separately

9. Business licenses are limited to a location:
 - a) If a business is carried on at more than one premises, a person must obtain a license for each premises.
 - b) A license issued pursuant to this Bylaw is only valid at the premises for which it is issued.
 - c) Pop Up Vendor are required to obtain a business license, and have areas requested, approved by the CAO, Planning & Development Officer, or other designated Official, prior to setup.

Granting of Licenses

10. The Village may issue licenses in the following circumstances:
 - a) The required application form has been completed;
 - b) The required license fee has been paid;
 - c) If required, the necessary provincial or federal license has been produced;
 - d) If required, the necessary written approval of the Saskatoon Health Region has been produced; and
 - e) The business or the premises occupied by the business complies with all the zoning, building, plumbing and other requirements of the Village.
11. The following establishments are considered to be exempt from obtaining a Business License from the Village:
 - a) Real Estate Agents that do not operate a Store-Front or Home Based business within the Village limits.
 - b) Publicly funded organizations such as, but not limited to, educational institutions, educational administration and its entities, and hospitals.

- c) Non-profit organizations, service groups and community groups such as, but not limited to, churches or places of worship, unless operating a service for profit out of a location within the Village limits.
- d) Contractors working on a Village project.

12. The Village may impose any terms and conditions on a license issued pursuant to this Bylaw that are consistent with the intent of this Bylaw if the Village is satisfied that:

- a) it is necessary to ensure compliance with any duties imposed on the licensee pursuant to this Bylaw;
- b) it is necessary to ensure the integrity of the licensing scheme in this Bylaw; and
- c) it is appropriate and in the public interest to do so.

13. Every licensee shall comply with the terms and conditions of their license.

License Issued for One Year Unless Otherwise Stated

14. Every license, unless suspended or revoked, shall expire on Dec 31st of each calendar year, and must be renewed by the last working day in January.

15. The license Fee will not be prorated or refunded in whole or in part under any circumstances.

Renewal

16. A person must renew their license annually or purchase a license for each project in the manner prescribed by the Village. Submission of application is required in writing for all renewals.

17. A person must pay the fee provided for in Schedule "A" when renewing the license.

Discontinuance or Change

18. A person must notify the Village if a business is discontinued.

19. A person must notify the Village if either the size or the nature of the business changes.

20. A person must pay the fee provided for in Schedule "A" prior to the license being issued. A person will not be issued until the fee is paid.

21. A person purchasing or taking over an existing business must notify the Village of any changes to the business contact information. In this circumstance, the new license will expire at the end of the original license period.

Revoking or Suspending of Licenses

22. If a licensee contravenes any term or condition of this Bylaw, The Village may suspend or cancel the license pursuant to this Bylaw, in accordance with Section 8 of the Act. No refunds will be issued for any license suspended or revoked.

23. The Village may reinstate a suspended license if it is satisfied that the licensee is complying with the Bylaw.

24. Any licensee may appeal the suspension or cancelation of a license to Council.

Distress

25. The Village may recover any license fee by distress in accordance with the provisions of the Municipalities Act.

Village Bylaws

26. No license shall be issued for a business which does not conform to any zoning, building, plumbing and/or any other bylaws of the Village.
27. As per the Zoning Bylaw, a Development Permit will be required prior to the issuance of a Business License for certain businesses which include Home Based Businesses and Store Front Businesses.
28. The issuing of a license to a person/business does not relieve that person/business of the responsibility of conforming to any zoning, building, plumbing and other requirements of the Village.

Federal or Provincial License Required

29. A license will not be issued under this Bylaw to any person required by law to obtain a federal or provincial license, until the person has first produced the required federal and/or provincial license to the Village.
30. Any license issued under this Bylaw without the person first obtaining the required federal or provincial license is invalid.

License to be Displayed

31. Any license issued under this bylaw must be displayed in a prominent place at the place of business for which the license was issued.
32. Every person licensed under this bylaw shall, at all reasonable times, upon request of the Village CAO or their designated officers, produce such license for inspection purposes.

PART IV SPECIFIC LICENSING

Famers Markets

33. The license for a farmers' market shall cover all persons offering goods or merchandise for sale at the farmers' market.

Flea Markets

34. The license for a flea market shall cover all persons offering goods or merchandise for sale at the flea market.

Short-term Rentals

35. In addition to the application requirements described in section 6, the following are required when applying for a license for a short-term rental property:
 - a) If a short-term rental property is within a dwelling not owned by the host, the written permission of the property owner;
 - b) If the short-term rental property is within a condominium, the written permission of the condominium corporation;
 - c) A signed declaration of the host that the property is in compliance with life and safety requirements.
36. No more than 25% of the dwelling units within a multiple-unit dwelling or townhouse shall be issued a license for a short-term rental property.
37. The issuing of new short-term rental licenses may be suspended from time to time by moratorium at the sole discretion of the Village's Council.

Mobile Food Vendors and Mobile Food Vehicle or Cart

38. A license will not be issued for a mobile food vendor until the applicant produces the following:
 - a) Approval from the Saskatchewan Health Authority;
 - b) Motor vehicle insurance (if mobile food vehicle);
 - c) Discharge management plans;
 - d) Fire inspection approval;
 - e) Proof of Liability Insurance with a minimum liability of \$2,000,000. The Resort Village of Manitou Beach must be named as an additional insured; and
 - f) Photographs of the vehicle or unit being used;
39. Mobile Food Vendors shall be permitted to operate between the hours of 10:00 am and 10:00 pm.
40. A Mobile Food Vendor may operate on private commercially zoned property at any location, where the Mobile Food Vendor has the consent of the property owner in writing, except the following:
 - a) Within 3 meters of a building entrance or exit;
 - b) Within 6 meters of an intersection;
 - c) Within 3 meters of a back alley or lane;
 - d) Where the Mobile food vehicle or unit obstructs a fire hydrant, driveway, loading zone or emergency access;
 - e) Within 20 meters (measured from the nearest edge of the mobile food vehicle or unit to the property line) of an existing food service establishment.
41. A mobile food vendor must produce written allocation of an approved vending cart site before a license will be issued for a mobile vendor to operate a vending cart for a location on a public property.
42. A separate license must be obtained for each mobile food truck or vending cart operated by a mobile vendor.
43. Sign boards are to be placed against the mobile food vehicle or unit to avoid any obstructions. Only one sign board is permitted per mobile vendor.

44. Mobile Food Vendors shall provide proper trash and recycling receptacles for customers. Vendors shall clean up within a 6.0 meter radius after service at a location.
45. The issuing of new mobile food vendor licensees may be suspended from time to time by moratorium at the sole discretion of the Village's Council

PART V ENFORCEMENT OF BYLAW

Enforcement of Bylaw

46. The administration and enforcement of this Bylaw is hereby delegated to the Administrator for Village.
47. The Administrator is hereby authorized to further delegate the administration and enforcement of this Bylaw to any municipal official or designate.

Inspections

48. The inspection of a property by the Village to determine if this Bylaw is being complied with is hereby authorized.
49. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
50. No person shall obstruct a designated officer who is authorized to conduct an inspection under this Section, or a person who is assisting the designated officer.
51. Examples of business activity may include but is not limited to one monetary or nonmonetary transaction and/or businesses advertising.

Offences and Penalties

52. No person shall:
 - a) Obstruct or hinder any designated officer or any other person acting under the authority of this Bylaw; or
 - b) Fail to comply with any other provisions of this Bylaw.
53. Notwithstanding any other penalty in this bylaw, a designated bylaw officer may issue a voluntary payment in lieu of a summons and the accused may within 15 days pay the following monetary penalty to the Village:
 - a) For the first offence \$50.00
 - b) For a second offence \$100.00
 - c) For a third and subsequent offence \$100.00
54. Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of Section (40) is guilty of an offence and shall be liable for the penalties listed in Schedule "B" and costs in default of payment.

55. In the event that a person who has refused a license carries on a business, they shall be guilty of an offence and shall be liable on Summary Conviction to a fine of Fifty Dollars (\$50.00) for each day that such business is carried on and costs associated with conviction. Upon conviction under this paragraph, the Court may order that the accused cease to carry on such a business.
56. If a license fee imposed for the licensing of building contractors is unpaid, a designated officer:
- a) May give written notice to any person by whom the contractor is employed requiring that person to pay the license fee out of the monies payable by that person to the contractor.
 - b) If the designated officer gives written notice pursuant to clause (a) they shall send a copy of the written notice to the contractor.
57. On receipt by a person mentioned in Section (44) of a written notice requiring the person to pay a license fee, the amount of the license fee, to the extent of the monies payable, is a debt due by that person to the Village; and may be recovered in the same manner as taxes may be recovered.

PART VI SEVERABILITY: Scope

58. If any section, subsection, sentence, clause, phrase, or other portion of this Bylaw is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed separate, distinct, and independent provision and the holding of the Court shall not affect the validity of the remaining portions of the Bylaw.

PART VII REPEAL OF BYLAWS:

59. Bylaw No. 6-2017 passed February 26, 2018, is hereby repealed.

PART VIII EFFECTIVE DATE OF BYLAW:

60. This Bylaw shall come into force and take effect upon the date of the final passing thereof.




 Chief Administrative Officer
 Elise Dale


 Mayor
 Pauline Petersen

Read a third time and adopted
 this 18th day of March 2024
 Resolution #2024-0070

Schedule “A” to Bylaw No. 39-2024

SCHEDULE OF FEES

Annual – Store-Front Businesses	\$100.00
Annual – Home-Based Business Type I	\$50.00
Annual – Home-Based Business Type II	\$150.00
Annual – Bed and Breakfast (cost per first sleeping unit)	\$75.00
Annual – Bed and Breakfast (cost per additional sleeping unit)	\$25.00
Annual – Short-Term Accommodation (cost per first sleeping unit)	\$150.00
Annual – Short-Term Accommodation (cost per additional sleeping unit)	\$50.00
Annual – Hotel/Motel (cost per sleeping unit)	\$25.00
Annual - Contractors	\$100.00
Annual – Direct Sellers	\$75.00
Annual – Mobile Food Vendor (with mobile food truck)	\$500.00
Annual – Mobile Food Vendor (with mobile food cart)	\$100.00
Annual – Farmers Market	\$100.00
Annual – Flea Market	\$100.00
Annual – Transient Traders	\$150.00
License fee – General Contractors (special – per project)	\$200.00
License fee – Subcontractors (special – per project)	\$150.00
All Others	\$100.00

Schedule “B” to Bylaw No. 39-2024

SCHEDULE OF OFFENSES

Conducting a business without a license	\$200.00
Conducting a business activity from a premises not identified on the license	\$100.00
Conducting business without renewal	\$200.00
Failing to post license	\$100.00
Failing to produce license upon request by authorized personnel	\$100.00
Advertising or promoting a business without license	\$200.00
Providing false or misleading information to the Village	\$500.00
Providing false or misleading information to Bylaw Enforcement Officer	\$500.00
Continuing to operate an unlicensed business after notification of violation (cost per day)	\$500.00