



RESORT VILLAGE OF TOBIN LAKE BYLAW NO. 2025.07

A BYLAW TO CLASSIFY, LICENSE AND REGULATE BUSINESS ACTIVITY WITHIN THE RESORT VILLAGE OF TOBIN LAKE

Section 8 (h) and 9 of The Municipalities Act

The Council of the Resort Village of Tobin Lake in the Province of Saskatchewan, enacts as follows:

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

1. SCOPE

1.1. The purpose of this Bylaw is to license businesses in the Resort Village of Tobin Lake in order to:

- (a) to regulate businesses;
- (b) to gather land-use information;
- (c) to ensure compliance with land-use and building regulations;
- (d) to facilitate planning decisions; and
- (e) to ensure that once licensed, the person complies with all terms and conditions of the license as set out under the Bylaw.

2. DEFINITIONS

2.1. For the purpose of this policy, the following terms and words shall have the following meanings:

- (a) **Authorized Agent** shall mean a bylaw officer or CAO of the Resort Village of Tobin Lake.
- (b) **Business** shall mean any of the following activities, as defined in *The Municipalities Act*, whether or not for profit and however organized or formed:
 - 2.1.b.1. a commercial, merchandising or industrial activity or undertaking;
 - 2.1.b.2. the carrying on of a profession, trade, occupation, calling or employment; and
 - 2.1.b.3. an activity promoting goods and services.
- (c) **Business premises** shall mean a commercial building where business activities take place and the improvement(s) are assessed commercial.
- (d) **Bylaw enforcement officer** shall mean a person hired or contracted by the Resort Village of Tobin Lake to enforce the bylaws of the Municipality.
- (e) **Charity** shall mean an organization that is:
 - 2.1.e.1. incorporated as a non-profit corporation in the Province of Saskatchewan;
 - 2.1.e.2. a registered charity authorized to issue tax receipts for donations pursuant to *The Income Tax Act*; or
 - 2.1.e.3. an organization that can demonstrate that it is formed for social, educational, religious or philanthropic purposes from which the members do not receive any direct economic gain.

- (f) **Contractor** shall mean a person who constructs, alters, maintains, repairs or removes buildings or structures, installs heating plants, plumbing or other fixtures or performs other similar work in the Resort Village and who doesn't have a business premises in the Resort Village.
- (g) **Council** shall mean the council of the Resort Village of Tobin Lake.
- (h) **Craft Show or Exposition** shall mean a group of three or more people engaged in the business of producing, preparing, exhibiting or selling arts and crafts for gain.
- (i) **Direct Seller** means a person(s) who:
- 2.1.i.1. are licensed according to *The Direct Sellers Act*;
 - 2.1.i.2. go from house to house selling or offering for sale, or soliciting orders for the future delivery of, goods or services;
 - 2.1.i.3. by telephone offers for sale or solicits orders for the future delivery of goods or services; or
 - 2.1.i.4. do both of the things mentioned in subclasses (2.1.i.1) and (2.1.i.2).
- (j) **Farmer's Market** shall mean any person or group of persons operating a market where the producer offers produce, fruit, eggs, handicrafts, or similar products for sale.
- (k) **Home-Based Business** shall mean any business that is owned and operated by a resident or residents in a dwelling unit and is permitted according to the Resort Village of Tobin Lake Zoning Bylaw.
- (l) **Licensee** shall mean a business/person holding a valid and subsisting license.
- (m) **Mobile Food Vendor** shall mean a person selling prepared food items from an approved Mobile Food Vending Unit.
- (n) **Mobile Vendor** shall mean a person selling items, merchandise, or non-prepared food items from an approved mobile vehicle, mobile structure, or cart. Even though they may reside in the Resort Village will be classed under "Transient Trader".
- (o) **Non-Profit Organization** shall mean a non-profit corporation that is registered under the provisions of *The Non-Profit Corporations Act*.
- (p) **Resort Village** shall mean the Resort Village of Tobin Lake.
- (q) **Seasonal Business Fee** shall mean the fee charged by the Resort Village of Tobin Lake where the business does not exceed 5 consecutive months of operation in a calendar year.
- (r) **Trade Show** shall mean a place where the public is invited and where goods or merchandise are offered for sale by retail or auction on a short-term basis, such as hobby shows, home improvement shows, sportsman shows, and craft shows; and includes an exhibition organized so that companies in a specific industry can showcase and demonstrate their latest products, service, study activities of rivals and examine recent market trends and opportunities.

- (s) **Transient Trader** shall mean a person carrying on business in a Municipality who:
- 2.1.s.1. offers goods, services or merchandise for sale or auction; or
 - 2.1.s.2. solicits any person who is not a wholesaler or retail dealer for orders for future delivery of goods or merchandise; and
 - 2.1.s.3. does not have a business address in the Resort Village of Tobin Lake.

But does not include a person who is required to be licensed pursuant to *The Direct Sellers Act* or who is an occupant of property that is used for business purposes.

- (t) **Unclassified Business** shall mean a person carrying on a trade or business for gain, if in regard to licensing of the same with no provision is made in this bylaw, and who is not occupying a property assessed commercial.

3. LICENCE REQUIRED

- 3.1. No person shall carry on business within the Resort Village unless such person holds a valid and subsisting license to do so issued pursuant to the provisions of this Bylaw.

- 3.2. A license shall be required:

- (a) for any person carry on business within the Resort Village.
- (b) if any form of advertising of business activity is deemed to be prima facie proof that the person is carrying on such business activity.

- 3.3. A license shall not be required:

- (a) for any activity carried on by the Resort Village or at a location operated by an official or employee of the Resort Village.
- (b) for any activity undertaken by a committee governed by the Council or a charity.
- (c) Any activities which fall under other bylaws of the Resort Village which have a licensing fee, including, but not limited to, short-term rentals and trailer park & campgrounds.
- (d) for any business premises which are assessed commercial.
- (e) for such other activities as Council may, by resolution, exempt from the requirements of this bylaw.
- (f) for any person, activity or premises, if such person, activity or premises is exempt from municipal licensing by Federal and Provincial statute.

But does not include any businesses, such as but not limited to, mobile food vendors, contractors or transient traders; hired by the council, committee governed by council and/or charity.

4. LICENCE APPLICATION

- 4.1. A person must apply in writing to the Resort Village for a business license before commencing any business.

- 4.2. An application must include all requested information, including but not limited to:

- (a) Name and address of the applicant.
- (b) Nature of the business for which the applicant is required.
- (c) Place where the business will be operated.
- (d) Area of the premises where the business will be carried on.
- (e) The name of the contact person.
- (f) A completed development permit application and supporting documents (where applicable).
- (g) Written approval of the private property owner, if other than the applicant.

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- (h) Saskatchewan Health Authority approval (where applicable).
- (i) Discharge management plan that includes a description of how and where the FOG (fats, oils, greases) and grey water will be disposed (where applicable).
- (j) Proof of liability insurance.

5. LICENCE TERM

- 5.1. Every license issued under this Bylaw, unless specifically mentioned to be issued for a shorter period or sooner forfeited, shall expire on the 31st day of December of the year in which the said license was issued.

6. LICENCE FEE

- 6.1. A person must pay the fee provided for in Schedule A, prior to the license being issues.
- 6.2. A person will not be issued a license until the fee has been paid.

7. LICENSING CATEGORIES

- 7.1. **General Business Licences** are required for any business operating within the corporate boundaries of the Resort Village or operating on Resort Village owned land.
- 7.2. **Farmer's Market Business Licences** are required for any persons, group or business operating within the corporate boundaries of the Resort Village or operating on Resort Village owned land.
- 7.3. **Transient Trader/Contractor Business Licences** are required for any business operating within the corporate boundaries of the Resort Village or operating on Resort Village owned land that does not have a business premises within those corporate limits.
- 7.4. **Home-Based Business Licences** are required for any business activity conducted wholly or partly on the business operator's residential property.
- 7.5. **Mobile Food Vendor Licences** are required for any mobile food vending unit engaged in the sale of prepared food.
- 7.6. **Unclassified Business Licenses** are required for any business where no provision is made in this bylaw, and that is not occupying a commercial assessed property.

8. LICENCE SUSPENSION, REVOCATION, REFUSAL

- 8.1. The authorized agent may suspend, revoke or refuse to issue or renew any licence if:
- (a) The applicant or licensee fails to pay any fee required by this bylaw;
 - (b) The applicant or licensee fails to provide any information required by this bylaw;
 - (c) The licence was issued in error or based on false or misleading information;
 - (d) The applicant or licensee does not or no longer meets the application requirements or any requirements of this bylaw;
 - (e) If the applicant, licensee or unit has violated this bylaw or any other bylaw or violation or other laws;
 - (f) If the person present at the unit is the subject of the licence have violated a Resort Village of Tobin Lake bylaw or other law, including, but not limited to, bylaws regarding nuisance or the amenity of the neighbourhood;
 - (g) Continuance, issuance or renewal of the licence is not in the public interest.

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8.2. The authorized agent shall send notice of any decision to suspend, revoke or refuse to issue or renew a licence pursuant to this bylaw to the applicant or licensee by mail at the address provided by the applicant or licensee.

8.3. Should the authorized agent suspend or revoke a licence, or if the licensee wishes to cancel or return a licence, the fee paid by the licensee shall not be returned.

9. MUNICIPAL BYLAWS

9.1. No license shall be issued for a business which does not or will not conform to any zoning, building or any other bylaw of the Resort Village.

9.2. As per the Zoning Bylaw, a Development Permit will be required prior to the issuance of a Business License for certain businesses which include but are not limited to a Home-Based Business.

9.3. The issuing of license to a person or business does not relieve that person or business of the responsibility of conforming to any zoning, building, plumbing or any other requirement of the Village.

10. FEDERAL OR PROVINCIAL LICENSE REQUIRED

10.1. A license will not be issued under this bylaw to any person required by law to obtain a federal or provincial license until that person has first produced the required provincial or federal license to the Resort Village.

10.2. Any license issued under this bylaw without the person first obtaining the required federal or provincial license is invalid.

11. INSPECTIONS

11.1. The inspection of property by the Resort Village to determine if this bylaw is being complied with is hereby authorized.

11.2. Inspections under this bylaw shall be carried out in accordance with Section 362 of the Act.

11.3. No person shall obstruct a designated officer who is authorized to conduct an inspection under this section, or a person who is assisting a designated officer.

12. GENERAL PENALTIES

12.1. In addition to any offences and penalties under the Act, every person who contravenes any provisions in this bylaw is liable on summary conviction to the increasing penalties for each subsequent contravention made within 24 months, pursuant to this bylaw.

12.2. Every person who contravenes any provision in this bylaw is liable, by way of Notice of Violation to the increasing penalties for each subsequent contravention made within 24 months, as show in section 11.3 and schedule A.

12.3. In the case of an offence that is of continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.

- 12.4. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction to a fine:
- (a) for the first offence, of \$1000.00;
 - (b) for a second offence, of \$2000.00;
 - (c) for a third or subsequent offence, of not less than \$3000.00 and not more than \$10,000.00 in the case of an individual, or \$25,000.00 in the case of a corporation.

13. NOTICE OF VIOLATION

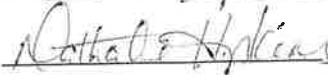
- 13.1. A person who contravenes this bylaw, upon being served with a 'notice of violation' as prescribed by the municipality may voluntarily pay the prescribed penalty at the administration office of the municipality.
- 13.2. A designated officer may issue a Notice of Violation to any person committing an offence under this bylaw.
- 13.3. The notice shall require the person to pay to the Resort Village the penalty specified in Schedule A.
- 13.4. The penalty may be paid:
- (a) in person, during regular office hours, at the Resort Village of Tobin Lake office;
 - (b) by mail addressed to the Resort Village of Tobin Lake, Box 1479, Nipawin SK S0E 1E0
- 13.5. If payment of the fine as provided in Schedule A is made within 60 calendar days of service of the Notice of Violation, the person shall not be liable to prosecution for that offence.
- 13.6. Payment of any Notice of Violation does not exempt the person from enforcement of an Order pursuant to this bylaw or violations of a continuing nature.



Mayor

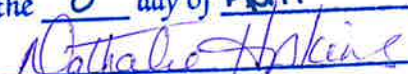


CAO

Read a third time and adopted
this 8 day of April, 2025


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CERTIFIED TRUE COPY
Certified to be a true copy of Bylaw # 2025.07
adopted by the council of the Resort Village of Tobin Lake
on the 8 day of April, 2025


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Schedule A of Bylaw 2025.07

Fees and Rates

Licensing Category	Annual Fee	Seasonal Fee
General Business Licence	\$75.00	\$50.00
Transient Trader & Contractor Licences	\$100.00	\$75.00
Home-Based Business Licences	\$75.00	\$50.00
Mobile Food Vendor Licences	\$100.00	\$75.00
Unclassified Business Licences	\$100.00	\$75.00
Farmer's Market	\$75.00	\$50.00

Notice of Violation Minimum Penalties For Voluntary Payment

Offence Pursuant to the Bylaw		Penalty (Fine)	
		Time of issuance (paid within 15 days)	Time of issuance (paid after 15 days)
Failure to comply with an order to remedy contravention	1 st Offence	\$300.00	\$400.00
	2 nd Offence	\$550.00	\$650.00
	3 rd Offence	\$1000.00	\$1100.00
Failure to comply with any other provision of bylaw	1 st Offence	\$300.00	\$400.00
	2 nd Offence	\$550.00	\$650.00
	3 rd Offence	\$1000.00	\$1100.00

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