

Wasagamack First Nation

Wasagamack P.O.
Wasagamack, Manitoba
R0B 1Z0

457-2337
457-2339
457-2347
457-2343

BY-LAW NUMBER 1994-01
or
PEDDLER BY-LAW

WHEREAS: The Council of the Wasagamack First Nation desires to make a by-law for the regulation of the conduct and activities of hawkers, peddlers or others who enter the reserve to sell or otherwise deal in wares or merchandise; and,

WHEREAS: The Council of the Wasagamack First Nation is empowered to make such a by-law and with respect to any matter arising out of or ancillary to the exercise of the power and for the imposition of a penalty for a violation thereof, pursuant to the Indian Act, Section 81, subsection {s} 1, {n}, {q} and {r}; and,

WHEREAS: It is deemed to be expedient for the welfare of the inhabitants of the Wasagamack First Nation Reserve No.22 to license and regulate hawkers and peddlers; and,

WHEREAS: A majority of electors of the Band who attended a special meeting of the Wasagamack First Nation Band on December 16/1994 called by the Council of Wasagamack First Nation Band on December 16/1994 for the purpose of considering the contents of this By-Law assented to the contents of this By-Law.

THEREFORE: The Council of the Wasagamack First Nation hereby enacts the following by-law:

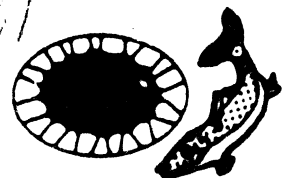
1. Short Title

The by-law may be cited as the "Wasagamack First Nation Peddlers By-Law".

2. Interpretation

In this law:

"Council" means the Council as defined in the Indian Act, of the Wasagamack First Nation;



"Hawkers and/or Peddlers" includes a hawker, peddler, transient trader, itinerant seller or other person who enters the reserve to buy, sell or otherwise deal in wares or merchandise, or offer or expose for sale to any person, by means of samples, patterns, cuts, blue prints, or pictures, wares or merchandise to be sold at that time or to be delivered afterwards or shipped into the reserve;

"Itinerant seller" means a seller whose business includes soliciting, negotiating or arranging for the signing by a buyer, at a place other than the seller's permanent place of business of a contract for the sale of wares or merchandise;

"Collector" means any hawker and peddler and itinerant seller, who comes in the reserve who for the purpose of collecting payment for wares and merchandise and any related contracts as described in this by-law;

"License" means a license issued pursuant to this by-law permitting the licensee to conduct business on the reserve;

"Licensing Agent" means the person appointed by the Council pursuant to Section 4 to receive applications and issue licenses pursuant to this by-law;

"Licensee" means a person to whom a license is issued pursuant to this by-law;

"Officer" means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace and/or any other person appointed by the Council for the purpose of maintaining law and order of the territory.

"Territory" means the reserve of the Wasagamack First Nation and includes the Wasagamack First Nation' Reserve No. 22 and or any other reserve lands entitled to Wasagamack First Nation.

3. Requirement for License

- {1} No person shall conduct business as a hawker and peddler of wares or merchandise on the reserve unless that person holds a valid and subsisting license issued pursuant to this by-law with respect to the type of wares or merchandise that person deals in.
- {2} Subsection {1} does not apply to person who:
 - {a} has a permanent place of business on the reserve; or,
 - {b} is a resident and/or member of Wasagamack First Nation; or,
 - {c} is a member of the other Island lake First Nations, namely; Garden Hill, St. Theresa Point and Red Sucker Lake.

4. Licensing Agent

- {1} The Council may, by First Nation or Band Council Resolution, appoint a licensing agent who shall receive applications and issue licenses for the purpose of this by-law.

5. Duties of Licensing Agent

The Licensing Agent shall:

- {a} Receive and deal with all applications for licenses to be issued under this by-law;
- {b} Maintain a record of all applications for licenses and retain or file a copy of all licenses issued, together with their particulars;
- {c} Ascertain, as far as reasonably practicable, that all information furnished by the applicant in connection with an application for a license is true and correct;
- {d} As often as necessary, make inquiries and inspections to determine whether every holder of a license issued pursuant to this by-law complies in every aspect with the license issued and the by-laws of the Council;
- {e} Report in writing to the Council bi-monthly, or as otherwise requested by the Council, stating the number of licenses issued, the types of wares and merchandise being sold under each license, the duration of each license, and the amount of money received since the previous report along with a summary stating the total number of licenses issued and the total amount of money received to date for the current year.
- {f} Perform such other duties as may be assigned by the Council from time to time.

6. Licenses

- {1} A license shall specify the types of wares or merchandise the licensee is permitted to deal in.
- {2} A license shall be valid throughout the territory.
- {3} A license shall be in Form 1.

7. Application for License

Any person who wishes to conduct business as a hawker, peddler or collector on the reserve shall make an application in writing to the licensing agent in Form 2 and shall truthfully disclose all information required to be disclosed on the application form.

8. Fees

- {1} All applicants will pay a fee of \$10.00 {Ten Dollars} for application processing costs.
- {2} The fees payable for a license issued under this by-law are:
a. \$400.00 {Four Hundred Dollars} per calendar year.

- b. \$300.00 {Three Hundred Dollars} per calendar months during winter road season Jan, Feb, and March.
- c. \$250.00 {Two Hundred Fifty Dollars} per calendar month.

9. Issuance of License

The Licensing Agent shall make out and deliver a license to the applicant if:

- {a} The applicant has disclosed all information required to be disclosed in the application form and the licensing agent is satisfied that all information disclosed by the applicant is true and correct.
- {b} The Licensing Agent is satisfied that the applicant has complied with the Wasagamack First Nation requirements with respect to the conduct of the applicant's business on Wasagamack First Nation territory and the licensing agent is satisfied that the applicant has complied with the appropriate provincial requirements with respect to the conduct of the applicant's business, including registration and bonding;
- {c} The applicant has not within the preceding two {2} years been convicted of an offence on any of the Wasagamack First Nation by-laws.
- {d} The required fee for the license has been paid.

10. Duration of License

Every license issued pursuant to this by-law shall be for the calendar year current at time of issuing thereof and shall expire on the 31st day of December following the date of issuance, unless issued on a monthly basis.

11. Producing License Upon Request

Every licensee shall carry the license issued while conducting business on the reserve and shall produce the license upon request of the licensing agent, an officer, Wasagamack First Nation Council member, or any person with whom the licensee transacts or attempts to transact business.

12. License Not Transferable

A license issued under authority of this by-law is not transferable.

13. Hours

No person conducting business as hawker, peddler, or collector shall call at any residence on the reserve before 9:00 am. and after 8:00 pm. during weekdays and weekends or Sundays or holidays, unless previously invited by the occupier of the resident to call at such time.

14. No Refund

No rebate or refund of any part of a license fee shall be made to any licensee by reason of forfeiture of a license or a non-usage of the rights and privileges thereby granted, or for any other cause.

15. Revocation or Suspension of License

The Council may, by First Nation or by Band Council Resolution, after notice and hearing suspend for a period not exceeding two {2} years or revoke any license under this by-law, where it has been shown that the licensee.

- {a} has failed to comply with this by-law;
- {b} Has conducted his/her business on a matter that is detrimental to the interests of the consumers on the Wasagamack First Nation territory.

16. Penalty

A person who violates any of the provisions of this by-law commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.00 {One Thousand Dollars} or imprisonment for term not exceeding 30 {Thirty} days, or both.

Wasagamack First Nation

Hawkers, Peddlers, and Collector's License

Form 1

_____ is hereby authorized to conduct
business as a Hawker, peddler or collector dealing in the following
wares and merchandise _____

_____ on the Wasagamack First Nation Territory for the period
_____, 19____ to _____, 19_____.

Licensing Agent

Licensee

Date

License Number

Wasagamack First Nation

**Hawkers, Peddlers, and Collector's License
Application Form**

Form 2

1. Applicant's Name: _____

2. Permanent Address: _____

3. Phone Numbers: Residence _____ Business _____

4. Occupation: _____

5. Employer's Name: _____

Address: _____

6. Period for which license is required: {Give exact dates}

_____ Year: _____, 19____ to _____, 19____

_____ Month(s) _____, 19____ to _____, 19____

7. Types of wares or merchandise to be sold on Wasagamack First Nation territory.

8. Type of business other than hawking or peddling you will be conducting on the Wasagamack First Nation territory.

9. Location(s) where wares and merchandise are to be sold on Wasagamack First Nation territory.

10. Are you presently registered with the provincial government with respect to the conduct of your business.

Yes: _____ No: _____

If yes, please provide prove and give details below:

11. I have given proper information as per application to the best of my ability and knowledge, further I have read and fully understand that my license can be revoked or suspended if I, or my actions, break or contravene the provisions of this by-law.

Date

Signature

15. Revocation or Suspension of License

The Council may, by First Nation or by Band Council Resolution, after notice and hearing, suspend for a period not exceeding two {2} years or revoke any license under this by-law, where it has been shown that the licensee;

{a} has failed to comply with this by-law;

{b} has conducted his/her business in a matter that is detrimental to the interests of the consumers on the Wasagamack First Nation territory".

This by-law is hereby passed at a duly convened meeting of the First Nation Council of the Wasagamack First Nation;

This 16th day of December, 1994.

Voting in favour of this by-law are the following members of the Chief and Council of the Wasagamack First Nation.

Alfred McDougall
Chief

Samuel Wood
Councillor

Joe [unclear]
Councillor

[unclear]
Councillor

Anthony Harper
Councillor

Matthew [unclear]
Councillor

James Harper
Councillor

Being the majority of those members of the First Nation Council of the Wasagamack First Nation present at the aforesaid meeting of the Council.

The quorum of the First Nation Council is 4 members.

I, Chief Alfred McDougall of the Wasagamack First Nation do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development at the Hull office, pursuant to Subsection 82(1) of the Indian Act this 16th day of January, 1995.

Alfred McDougall
Chief

Tom Harper
Witness

Assented to by a majority of the electors of the Wasagamack First Nation Band who voted at a special meeting of the Band on December 16, 1994 called by the Band Council for the purpose of considering this by-law.