

**By-law 2000/01 - 04
of the Muskoday First Nation**

**A BY-LAW TO REGULATE THE CONDUCT AND
ACTIVITIES OF HAWKERS, PEDDLERS OR OTHERS
ON THE RESERVE**

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

AND WHEREAS the Council of the Muskoday First Nation is empowered to make such 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 paragraphs 81(1)(n), (q) and (r) of the Indian Act;

AND WHEREAS it is deemed to be expedient for the welfare of the citizens of the Muskoday First Nation No. 99 to licence and regulate hawkers and peddlers;

NOW THEREFORE the Council of the Muskoday First Nation hereby makes the following by-law:

Short Title

1. This by-law may be cited as the "Muskoday First Nation Hawkers and Peddlers By-law".

Interpretation:

2. In this by-law,

"Council" means the Council of the Muskoday First Nation;

"hawker and peddler" includes a hawker, peddler, transient trader, itinerant seller or other person who, enters the First Nation to buy, sell or otherwise deal in wares or merchandise, or offer or exposes 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 onto the First Nation;

"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;

"*licence*" means a licence issued pursuant to this by-law permitting the licensee to conduct business on the First Nation;

"*licensee*" means a person to whom a licence is issued pursuant to this by-law;

"*licensing agent*" means the person selected by the Council pursuant to section 4 to receive applications and issue licences 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 a by-law enforcement officer or any other person selected by the Council for the purpose of maintaining law and order on the First Nation;

"*first nation*" means the Muskoday First Nation No. 99.

Requirement for License

3. (1) No person shall conduct business as a hawker and peddler of wares or merchandise on the First Nation unless that person holds a valid and subsisting licence 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 a person who has a permanent place of business on the First Nation.

Licensing Agent

4. (1) The Council may, by council resolution, select a licensing agent who shall receive applications and issue licences for the purpose of this by-law.
- (2) The Council may, in the council resolution, provide for reasonable remuneration to be paid to the licensing agent.

Duties of the Licensing Agent

5. The licensing agent shall:
 - (a) receive and deal with all applications for licences to be issued under this by-law;
 - (b) maintain a record of all applications for licences and retain on file a copy of all licences 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 licence is true in substance;
- (d) as often as may be necessary, make inquiries and inspections to determine whether every holder of a licence issued pursuant to this by-law complies in every respect with the licence issued and the by-laws of the Council;
- (e) report in writing to the Council monthly, or as otherwise requested by the Council, stating the number of licences issued, the types of wares and merchandise being sold under each licence, the duration of each licence, and the amount of money received since the previous report along with a summary stating the total number of licences 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.

Licenses

- 6. (1) A licence shall specify the types of wares and merchandise the licensee is permitted to deal in.
- (2) A licence shall be valid throughout the First Nation.
- (3) A licence shall be in Form 1.

Application for License

- 7. Any person who wishes to conduct business as a hawker and peddler on the First Nation 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.

Fees

- 8. The fees payable for a licence issued under this by-law are \$20.00 per calendar year or part thereof.

Issuance of License

9. The licensing agent shall make out and deliver a licence 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;
 - (b) 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 three years, been convicted of an offense under the Criminal Code (Canada), for which the applicant has not been pardoned, relating to the conduct of this business as a hawker and peddler, whether on or outside the First Nation; and
 - (d) the required fee for the licence has been paid.

Duration of License

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

Producing License

11. Every licensee shall produce the licence issued to any person with whom the licensee transacts or attempts to transact business, and shall produce the licence upon the request of the licensing agent or an officer while conducting business on the First Nation.

License Not Transferable

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

Hours

13. No person conducting business as a hawker and peddler shall call at any residence on the First Nation before 9:00 a.m. and after 8:00 p.m. during weekdays, or at all on Sundays or holidays, unless previously invited by the occupier of the residence to call at such time.

Restriction

14. (a) No person conducting business as a hawker and peddler shall call at the administration offices of the First Nation to conduct business with individual employees.
- (b) Subsection (a) does not apply when the types of wares and merchandise pertain to the necessary operations of the First Nation.

No Refund

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

Revocation or Suspension of License

16. The Council may, by council resolution, after notice and hearing, suspend for a period not exceeding ninety days or revoke any licence issued under this by-law, where it has been shown that the licensee:
 - (a) has failed to comply with this by-law;
 - (b) has been convicted of an offense under the Criminal Code (Canada), for which the licensee has not been pardoned. in relation to the conduct of the licensee's business as a hawker and peddler. whether on or outside the First Nation; or
 - (c) has conducted his business in a manner that is detrimental to the interests of consumers on the First Nation.

Penalty

17. A person who violates any of the provisions of this by-law commits an offense and is liable on summary conviction to a fine not exceeding \$1,000.00 dollars or to imprisonment for a term not exceeding 30 days. or to both.

FORM 1
HAWKERS AND PEDDLERS LICENSE

_____ is hereby authorized to conduct business as a hawker and peddler dealing in the following wares and merchandise:

on the Muskoday First Nation No. 99 for the period commencing on the _____ day of _____ 19 __, and ending on the _____ day of _____ 19 __.

(Signature of Licensing Agent)

(Licencee)

(Date)

FORM 2
HAWKERS AND PEDDLERS LICENSE APPLICATION FORM

1. Applicant's Name: _____
2. Permanent Address: _____
3. Phone Number: Home: _____ Office: _____
4. Occupation: _____
5. Employers Name & Address: _____
6. Period for which License is Required: _____
7. Types of wares and merchandise to be sold on the First Nation: _____

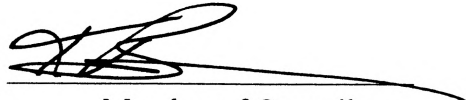
8. Are you presently registered with the provincial government with respect to the conduct of your business: ? Yes ____ No ____ (If yes, applicant must provide proof and give details).
9. Are you bonded with a bonding agency with respect of the conduct of your business? Yes ____ No ____ (If yes, applicant must provide proof and give details).
10. Have you, within the previous three years, been convicted of a criminal offence for which you have not been pardoned? Yes ____ No ____ (If yes, please give details). Please read the section below as your licence could be revoked or suspended.

"Revocation or Suspension of Licence


16. The council may, by council resolution, after notice and hearing, suspend for a period not exceeding ninety days or revoke any licence issued under the by-law, where it has been shown that the licensee:
 - (a) has failed to comply with this by-law;
 - (b) has been convicted of an offence under the Criminal Code (Canada), for which the licensee has not been pardoned, in relation to the conduct of the licensee's business as a hawker and peddler, whether on or outside the First Nation; or
 - (c) has conducted his business in a manner that is detrimental to the interests of the consumers on the First Nation."

This by-law is hereby passed at a duly convened meeting of the Council of the Muskoday First Nation, this ~~8th~~ day of June, ~~2000~~
13 2002

Voting in favour of this by-law are the following members of the Council:


Member of Council


Member of Council


Member of Council

Member of Council

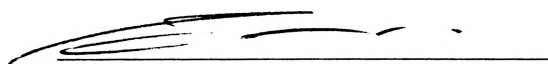
Member of Council

being the majority of those members of the Council of the Muskoday First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 4 members.

Number of members of the Council present at the meeting: 4.

I, AUSTIN BEGAR Chief/Councillor of the Muskoday 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 District/Regional/ Hull office (as the case may be) pursuant to subsection 82(1) of the Indian Act, this ~~8th~~ day of June, ~~2000~~
13 2002


Witness


Chief/Councillor