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KINGSCLEAR BAND OF INDIANS

BY-LAW # 3.

A By-Law to license and regulate the conduct of, and activities of, hawkers and peddlers.

PREAMBLE

Whereas paragraph (n) and (r) of Section 81 and Section 83 of the Indian Act R.S.C. 1970, C. 1-6 empower the Council of a Band to make by-laws to regulate the conduct and activities of Hawkers, peddlers, or others; to license businesses, trades, callings and occupations; and to impose a penalty for the violation thereof...

AND WHEREAS it is deemed to be expedient for the welfare of the inhabitants of the Kingsclear Indian Reserve to license and regulate hawkers and peddlers; NOW THEREFORE the Council of the Kingsclear Band of Indians enacts this by-law.

1. In this by-law:

a) "Council" means the Council of the Kingsclear Band, as defined in the Indian Act.

b) "Hawker" and "peddler" means and includes hawker, peddler, transient trader or other person who enters the reserve and goes from place to place to buy, sell or otherwise deal in wares or merchandise or services, or offers or exposes for sale to any person, by means of samples, patterns, cuts, blueprints, or pictures, merchandise to be delivered afterwards or shipped into the Reserve, but does not include a person who:

i) is a wholesaler or retailer in such merchandise with a permanent place or business on the reserve; or

ii) is a member of the Kingsclear Indian Band.

c) "Inspector" means the person appointed by Council pursuant to Section 2;

d) "License" means a written permission slip issued by the inspector permitting the person described in section 1(b) to conduct business on reserve. This license is subject to a fee. and,

e) "Reserve" means the tract of land the legal title to which is vested in her Majesty that has been set apart by Her Majesty for the use and benefit of the Kingsclear Indian Band of Indians.

2. The Council, hereby appoints the Band Administrator as the Inspector for the purposes of this by-law.

3. The Inspector shall:

i) receive and deal with all applications for licenses to be issued under authority pursuant to this by-law;

ii) maintain a record of all applications for licenses and retain on file a copy of all licenses issued, together with their particulars;

iii) ascertain, as far as reasonably practicable, that all information furnished by the applicant in connection with an application for a license is true in substance;

iv) as often as may be necessary, make inquiries and inspections to determine whether every holder of, and applicant for, a license complies in every respect with the by-laws of the Council;

v) report in writing to the Council on a regular basis stating the number of licenses issued and the amount of money received since the previous report, and including the total number of licenses issued and the total amount of monies received to date during the current year, together with a summary of the particulars of the licenses issued since the previous report; and

vi) perform such other duties as may be assigned by the council.

4. No person shall, within the limits of the Kingsclear Indian Reserve carry-on or be engaged in the business of a hawker or peddler unless he has paid the prescribed fee and holds a valid and subsisting license issued pursuant to this by-law.

5. Every applicant for a license shall make application to the Inspector on the form prescribed by the Council and shall truthfully disclose all information required.

6. The fees payable for a license issued under this by-law shall be:

- a) \$25.00 per day or any part thereof;
- b) \$200.00 per week;
- c) \$1000.00 dollars per year.

7. Every license as prescribed in Section 6(C) under the authority of this by-law shall be for the calendar year, or part thereof, current at the time of issuing thereof and shall expire on the 31st day of December of that particular year unless specifically issued to expire at an earlier day.

8. Every person to whom a license is issued under this by-law shall have and keep such license on his person during the time that he is conducting business on the Reserve.

9. The Council, for cause, may by Resolution revoke or suspend, at any time, any license issued under this by-law.

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

11. No license issued under authority of this by-law is transferable.

12. A monthly charge of \$15.00 per home will be assessed to those hawkers or peddlers who provide a revolving monthly service to reserve homes.

13. Any person who violates any of the provisions of this by-law is guilty of an offense and is liable on summary conviction to a fine not exceeding \$1,000 dollars or imprisonment for a term not exceeding thirty days, or both fine and imprisonment.

APPROVED AND PASSED AT A DULY CONVENED MEETING OF THE KINGSCLEAR BAND COUNCIL THIS 8th DAY OF February, 1990.

Steve Sacobie

CHIEF

Jean Palehies

COUNCILLOR

Charles Robinson

COUNCILLOR

William Palche

COUNCILLOR

Walter Paul

COUNCILLOR

COUNCILLOR

We, the Council of the Kingsclear Indian Band do hereby certify that a true and exact copy of the foregoing By-Law # 3 was mailed to the Minister of Indian & Northern Affairs Canada pursuant to Section 82(1) of the Indian Act, this 13th Day of February, 1990.