

BY-LAW NO. 5

HAWKERS AND PEDDLERS BY-LAW

Pursuant to Section 81(1) (1), (h), (q) and (r) of the Indian Act, R.S.C. 1985 C-15 as amended, and pursuant to the provisions of Treaty Number 6 and the Traditional Law of the Samson Cree Nation, and pursuant to Sections 25 and 35 of the Constitution Act 1982, the Council of the Samson Cree Nation, duly assembled, hereby enacts as follows:

PART ONE - OPERATIVE AND INTERPRETIVE

1. Title

This By-law may be cited as "The Hawkers and Peddlers By-law of the Samson Cree Nation".

2. Purpose

The purpose of this By-law is to regulate the conduct and activities of hawkers, peddlers or others who enter the Reserve (as defined herein) to buy, sell or otherwise deal in wares or merchandise.

3. Definitions

In this By-law:

- (1) "Council" means the Council of the Samson Cree Nation;
- (2) "Hawker and Peddler" means any person who enters the Reserve and goes from place to place to buy, sell or otherwise deal in merchandise or services, or sells or otherwise deals in merchandise or services at a street or road location, or offers or exposes for sale to any person by means of samples, patterns, blueprints or pictures, merchandise to be afterwards delivered or shipped on to the Reserve, but does not include:
  - (i) a person who has a permanent place of business in a building on the Reserve;
  - (ii) a person who is ordinarily resident on the Reserve;
  - (iii) a seller of fruit or other farm or garden produce, which has been produced, raised or grown by the seller.

- (3) "license" means a license issued pursuant to this By-law;
- (4) "Licensee" means a person to whom a license is issued;
- (5) "Licensing Agent" means the person appointed by the Council to receive applications for and issue licenses pursuant to this By-law;
- (6) "Officer" means any police officer, police constable or other person employed for the preservation and maintenance of the public peace, a person designated by the Council as having policing authority on the Reserve, or a By-law Enforcement Officer appointed by the Council;
- (7) "Reserve" means the Samson Indian Reserves #137 and #137A.

## **PART TWO - RESTRICTIONS AND ENFORCEMENT**

### **4. Licenses**

- (1) No person shall carry on business as a Hawker and Peddler on the Reserve unless such person is licensed as herein provided.
- (2) Any person who wishes to carry on business as a Hawker or Peddler on the Reserve shall make an application in writing to the Licensing Agent, on the form as set out in Schedule "A" to this By-Law, and shall pay to the Samson Cree Nation a license fee of \$10.00.
- (3) If, after reasonable inquiries, the Licensing Agent is satisfied that all information furnished by the applicant is true, and upon payment of the license fee, the Licensing Agent shall issue to the Applicant a license.
- (4) Every license issued pursuant to this By-law shall be for the calendar year, or the remainder thereof, and shall expire on the 31st day of December following the date of issuance thereof unless it is sooner revoked or suspended.
- (5) Upon the issuance of a license pursuant to this By-law, no refund of any part of the license fee shall be made.

- (6) The Council may by Resolution revoke or suspend any license if the licensee commits any breach of this By-Law or if it becomes evident that any statement made by the licensee in the Application for a license is untrue.

5. Restrictions

- (1) No person shall carry on business as a Hawker and Peddler on the Reserve between the hours of 8:00 p.m. and 8:00 a.m. or on any statutory holiday.
- (2) Every Licensee shall carry such license while conducting business on the Reserve and shall produce same upon the request of the Licensing Agent, an Officer, or any person with whom the Licensee transacts, or attempts to transact, business.
- (3) No person shall use a license issued to another person.
- (4) A Licensee shall conduct business in a way, having regard to all the circumstances, that will reasonably serve the needs and convenience of the Members of the Samson Cree Nation and in compliance with this By-law.

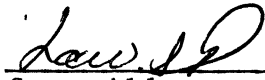
6. Penalty

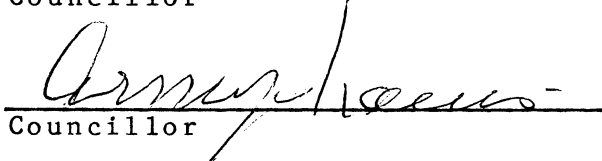
- (1) Any person who contravenes this By-law is guilty of an offence and is liable on Summary Conviction to a fine not exceeding \$1,000.00, or imprisonment for a term not exceeding 30 days, or both.

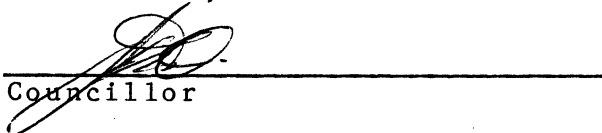
APPROVED AND PASSED at a duly convened meeting of the Council of the Samson Cree Nation, duly elected, this 5th day of March, 1991.

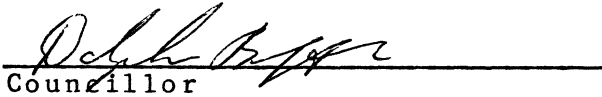
  
Chief

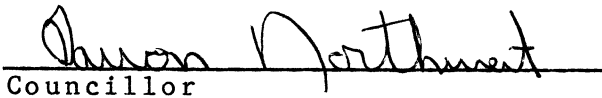
Councillor

  
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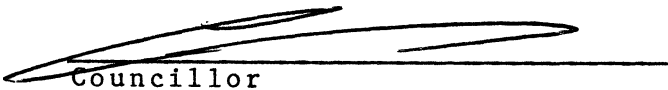
  
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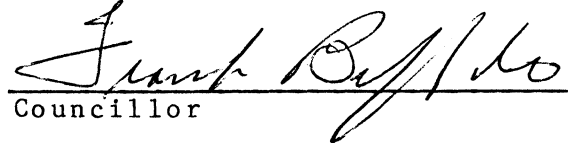
  
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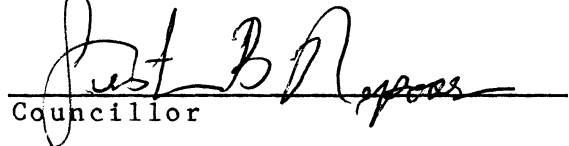
  
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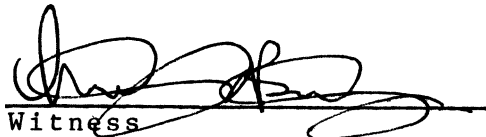
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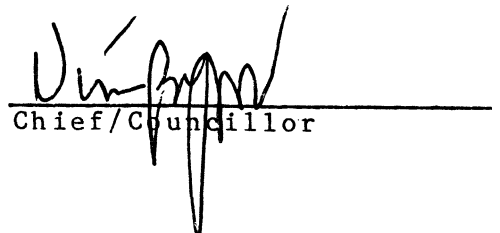
Councillor

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I, **VICTOR BUFFALO**, Chief/Councillor of the Samson Cree Nation, do hereby certify that a true copy of the foregoing By-law was forwarded to the Minister of Indian Affairs and Northern Development pursuant to Section 82 (1) of the Indian Act this 5th day of March, 1991.

  
Witness

  
Chief/Councillor

SCHEDULE "A"

**APPLICATION FOR HAWKERS AND PEDDLERS LICENSE**

(PURSUANT TO THE HAWKERS AND PEDDLERS BY-LAW  
OF THE SAMSON CREE NATION)

**Full Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Type of  
Goods to  
be Sold:** \_\_\_\_\_  
\_\_\_\_\_

**Method of  
Sale:**

a)	Roadside Stand	(	)	
b)	Door to Door	(	)	
c)	Other	(	)	Please specify:

\_\_\_\_\_

**Terms of  
Sale:**

a)	Cash	(	)
b)	Part Cash	(	)
c)	Part Cash/ Part Credit	(	)
d)	Credit Only	(	)

**Are Goods to be  
Delivered Immediately  
Upon Sale:**

YES	(	)
NO	(	)

**Maximum Selling Price  
on any Article:** (\$ )

**Is Applicant an Agent:**

YES (        )  
NO (        )

If YES, name and address of Principal:

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(address)

**Has Applicant Sold  
Any Goods on any  
Reserve in Alberta  
Previously:**

YES (        )  
NO (        )

If YES, specify Reserves:

\_\_\_\_\_  
\_\_\_\_\_

**Has Applicant Been  
Convicted of any  
Criminal Offence in  
the Last 10 Years:**

YES (        )  
NO (        )

If YES, please specify:

\_\_\_\_\_  
\_\_\_\_\_

**How Long Has Applicant  
Been in Business:**

\_\_\_\_\_ number of years

**Has Applicant any  
Judgments Currently  
Outstanding and  
Unpaid or Unsatisfied:**

YES (        )  
NO (        )

If YES, please specify subject matter  
and amount of Judgment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**List Two References:**

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_