

Minister of Indian Affairs
and Northern Development



Ministre des Affaires
indiennes et du Nord canadien

Ottawa, Canada K1A 0H4

I, the Minister of Indian Affairs and Northern Development, HEREBY
APPROVE, pursuant to section 83 of the *Indian Act*, the following by-law
made by the Kamloops Indian Band, in the Province of British Columbia,
at a meeting held on the 18th day of March 1997.

- **Kamloops Indian Band**
Business License By-law Amendment No. 1, 1997-1

Dated at Ottawa, Ontario this 9th day of May 1997.

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by a horizontal line.

Canada

THE KAMLOOPS BAND

A BYLAW TO AMEND THE BUSINESS LICENSE BY-LAW 1981-1

BYLAW AMENDMENT NO. 1, 1997 - 1

WHEREAS the Council of the Kamloops Band deems it advisable and in the best interests of the members of the Band to amend the Kamloops Band of Indians By-Law 1981-1 ("Kamloops Bylaw 1981-1");

AND WHEREAS the Kamloops Band Council deems it useful for the orderly conduct and administration of businesses, and for the health, welfare, safety and environment of the inhabitants in the Reserves to license businesses, callings, trades and occupations;

NOW THEREFORE the Kamloops Band Council hereby amends Kamloops Bylaw 1981-1 and enacts the following bylaw:

1. SHORT TITLE

1.1 This by-law may be cited as the Kamloops Band Business Licensing Amendment By-law, Amendment No. 1, 1997 - 1 .

2.0 Sections 1 and 2 of the Kamloops Bylaw 1981-1 are repealed and the following substituted therefor:

2.0 DEFINITIONS

2.1 In this bylaw:

"Act"	means the <i>Indian Act, R.S.C. c.I-5</i>
"Application for Business License"	means an application in the form of Schedule B to this bylaw duly submitted to the License Inspector.
"Band"	means the Kamloops Band of Indians.
"Business License"	means the license granted and/or renewed pursuant to this

bylaw, in the form set out in Schedule G.

- “Business” means a Calling, trade, Occupation, employment or Profession, vocation, commercial activity, or an enterprise which habitually busies, occupies or engages the regular time, attention, labour and effort, of the licensee or person(s) for the purposes of gain, benefit, advantage, livelihood or profit, or, in which the licensee or persons(s) show(s) willingness to invest time and capital on future outcome, but does not include an activity carried on by the Kamloops Band.
- “Calling” means a Business or Profession as defined in this by-law.
- “Council” means the Chief and Council of the Kamloops Band.
- “Fees collectible” means the fees set out in Schedule ‘A’ to this by-law as determined by Council from time to time.
- “Floor Area” means that area within a building that is used for display purposes, or to service customers, but shall not include those areas set aside exclusively for the storage of supplies or for the use of the employees or participants of the Business.
- “License Inspector” means the person appointed from time to time by the Band Council for the purpose of enforcing and carrying out the provisions of this by-law and shall include any Acting or Assistant License Inspector.
- “Occupation” means a Business or Profession as defined in this by-law.
- “Person” (a) in addition to its ordinary meaning shall mean and include a partnership, association, company, society, body corporate, and in the singular shall mean and include the plural, and in the masculine shall mean and include the feminine or converse; and
- (b) persons engaged in the Business shall mean and include the owner, or proprietor, assistants and employees, including part-time and casual employees.
- “Premise” or “Premises” shall include store, office, warehouse, factory building,

enclosure, yard or any other place occupied, or capable of being occupied by any person for the purpose of any Business and shall also mean: (1) any area situated within any of the foregoing where more than one separate and/or distinct class or classification of Business is also carried on. or (2) any area within a residence or dwelling place in which a Business is also carried on.

“Profession” means vocation, occupation or calling requiring special, usually advanced, education and skill, and includes a Business defined in this by-law.

“Reserve” or “Reserves” means those lands, title of which is vested in the Crown in the Right of Canada, which is or has been set aside for the use and benefit of the Kamloops Band and which has not been unconditionally surrendered.

3. Sections 3 - 13 of the Kamloops Bylaw 1981-1 are repealed and the following Sections 3 - 13 substituted therefor:

3.0 LICENSE REQUIRED

- 3.1. Every person who wishes to conduct a Business, including any of those Businesses classified or whose purpose is enumerated, described, named or set forth in Schedule ‘A’ of this by-law, on a Reserve must hold a valid Business License issued under this by-law.
- 3.2. Any person carrying on more than one Business on a Reserve must obtain a separate Business License for each Business, and where a Business is conducted in or from more than one Premise, the Business conducted in or from each Premise will be deemed a separate and distinct Business and will require a separate license.

3.3. Every Business License granted under this by-law is valid and permits the licensee to carry on the Business on a Reserve in a lawful manner. The issuance of a Business License shall not be deemed to be a representation by the Council to the licensee that the Business or proposed Business complies with any or all applicable by-laws or enactments. The owner of a Business remains responsible to ensure compliance with all by-laws and enactments.

3.4. The licensee or person in charge or control of the Premises where the Business is conducted must at all times keep the license or licenses prominently displayed in any area of the Premises to which the public has access or in an area designated by the License Inspector.

4. APPLICATION FOR LICENSE:

4.1. Every person who wishes to conduct a Business on a Reserve must complete an Application for Business License and submit it to the License Inspector and must disclose all information required on this application form.

4.2. All Applications for Business License, including those applying for a transfer of a license, shall be signed by the owner of a Business or his duly authorized agent, provided that in the case of partnerships or multiple owners any one of such partners or owners may apply and such partner or owner shall be deemed to be duly authorized by all the partners or owners. Where the applicant is a corporation or a partnership, proof of incorporation or partnership must be provided with a completed Application for Business License.

- 4.3. Every person applying for a license under this by-law to operate a Business that is governed or requires registration by any statute, or self-regulating professional body, must supply proof of his or her qualifications and of the qualifications of the employees to carry on such a Business, and this must accompany the Application for Business License.

5. APPOINTMENT AND AUTHORITY OF BUSINESS LICENSE INSPECTOR

- 5.1. The Council will, by resolution in writing, appoint a person to be the License Inspector, and such other officers as may be necessary, for the purpose of enforcing and carrying out the provisions of this by-law.
- 5.2. The License Inspector shall receive, investigate, and process all Applications for a Business License, including classifying and interpreting each Application for a Business License in accordance with the categories listed in Schedule A. The applicant may appeal such classification pursuant to section 13.1.
- 5.3. The License Inspector shall grant a license where he is satisfied that the applicant has complied with all the requirements of this by-law. Where a license has been refused, the applicant has the right to appeal the decision to the Band Council pursuant to section 13.1, who may conduct a hearing pursuant to section 13.
- 5.4. The License Inspector may refer the decision of granting or refusing to grant a Business License to the Band Council, who may conduct a hearing pursuant to section 13.
- 5.5. The License Inspector shall have the authority to suspend a Business License when he has reasonable and probable grounds for believing that the

licensee has breached a provision of this by-law and shall give notice of such suspension. A person whose license has been so suspended may appeal the decision to the Council pursuant to section 13.1.

- 5.6. The License Inspector shall have the authority to enter, at all reasonable times, upon any Premise subject to the regulations of this by-law in order to ascertain whether there is compliance with this by-law. Every person holding a Business License shall give to the License Inspector and to any member of his staff authorized by him for the purpose, such access at any reasonable hours to real property on the Reserve and provide such information requested as may be required by the License Inspector to enforce this by-law.
- 5.7. The License Inspector will maintain a record of all applications and fees for licenses and retain on file a copy of all licenses issued, together with their particulars.
- 5.8. In response to receipt of a written complaint, or at least once a year, with the consent of the licensee (such consent not to be unreasonably withheld) the License Inspector will make inquiries and inspect Premises to determine whether every holder of a Business License complies with the terms of the License and the by-laws of the Council, and no licensee shall obstruct or hinder the making or completing of this inspection.
- 5.9. The License Inspector shall report monthly to the Band Administrator or Band Manager, or the person appointed by the Council from time to time to administer the affairs of the Band, stating the number of Business Licenses issued, the type of Business conducted under each license, and the fees received since the previous report along with a summary stating the total

number of Business Licenses issued and the total amount of money received to date for the current year.

- 5.10. The License Inspector shall perform such other duties as may be requested by the Band Administrator, Band Manager or other person appointed by the Council from time to time to administer the affairs of the Band related to the implementation of this by-law.

6. ISSUING OF LICENSES AND FALSE DECLARATIONS

- 6.1. The License Inspector will, upon receiving an Application for a Business License together with the appropriate fee, promptly issue by delivering or mailing a Business License in the form of Schedule G to the licensee at the address shown in the Application provided:

- 6.1.1. the License Inspector is satisfied that the applicant's Business complies with all provisions in this and any other applicable by-law of the Kamloops Band;

- 6.1.2. the applicant has disclosed all required information in the Application for the Business License and the License Inspector is satisfied, pursuant to section 5.2 that such disclosure is accurate;

- 6.1.3. the applicant has not, within the preceding three years, been convicted of an offence under the *Criminal Code* (Canada), relating or relevant to the conduct of the Business whether on or off a Reserve, for which the applicant has not been pardoned;

- 6.1.4. the applicant's Business would not be detrimental to the health, welfare, safety and environment of inhabitants on a Reserve;

- 6.1.5. the License Inspector's investigations do not disclose any reason to believe that the carrying on of the Business may result in a breach of the law, or may, in any way, be adverse to the public interest; and
- 6.1.6. the required fee for the license has been paid.
- 6.2. Every Business License granted pursuant to this by-law will be in duplicate, one copy will be issued to the licensee and the other copy retained by the License Inspector. The license so issued will be deemed a personal license to the licensee.
- 6.3. If the applicant fails to comply with or the License Inspector is not satisfied with information received from the applicant under section 6.1 of this by-law, the License Inspector will forthwith serve the applicant a Notice of Refusal in the form of Schedule C to this by-law and said notice will be served personally or by registered mail to the applicant at the address shown in the Application for a Business License.
- 6.4. Any person making an Application for a Business License shall, at the time of making such application for such license, give true and correct details for the Business that the license is being applied for, on the forms supplied by the License Inspector. Any false declaration or concealment of material facts, which under the provisions of this by-law should be disclosed, shall be deemed an infraction of this by-law and shall be liable to the penalties set out in section 14.

7. LICENSES

- 7.1. Except as hereinafter provided, a Business License shall be issued for a twelve month period to commence on the first day of January and to terminate on the thirty-first day of December in each and every year.
- 7.2. A Business License will specify the time period, type and location of the Business the licensee is licensed to conduct.
- 7.3. The period for a Business License in respect of a theatre, including a drive-in theatre, amusement hall, concert hall, music hall, rink, amusement park or other place of amusement, entertainment or exhibition will be determined by the Business License Inspector upon the granting of the Business License who shall take into consideration the period requested in writing on the Application for a Business License.
- 7.4. The period for a Business License with respect to a circus, horse show, horse race, dog or pony show, exhibition or other itinerant show or entertainment, when held elsewhere than in a licensed theatre or other licensed place, will be determined by the Business License Inspector upon the granting of the Business License who shall take into consideration the period requested in writing with the Application for a Business License.

8. FEES

- 8.1. Every person required to have a Business License under the provisions of this by-law is required to pay for such license in advance of the due date shown on the license, and all license renewal fees are due and payable by December 31st in any year. The fee payable will be the applicable fee as set out in Schedule 'A'.

- 8.2. The fee payable for filing a Business License Application for the relocation of a business license, pursuant to sections 11.1 and 11.3 of this by-law, is thirty-five dollars (\$35.00).
- 8.3. The fee payable for filing a Business License Application for the assignment of a business license, pursuant to sections 11.2 and 11.4 of this by-law, is thirty-five dollars (\$35.00).
- 8.4. The fee payable for filing a Request For Review Hearing pursuant to section 13.1 of this by-law is thirty-five dollars (\$35.00).
- 8.5. The fees prescribed in Schedule A will be reduced by one-half where a license is issued after July 31 in a calendar year.
- 8.6. No license fee paid pursuant to this by-law will be refunded.

9. CHANGES TAKING AFFECT

- 9.1. Every person granted a Business License shall notify the License Inspector in writing of:
 - 9.1.1. any changes in the mailing and/or business address. When it is intended to relocate the Business, an Application for a Business License must be completed and submitted to the Business License Inspector for approval prior to such relocation;
 - 9.1.2. any change in the classification of the Business;
 - 9.1.3. any change in the number of vehicles used in the Business; and/or
 - 9.1.4. any change in the Premises in which the Business is being carried on.

- 9.2. Every person granted a Business License, where the license fee is based on floor area, ground area, number of persons engaged in the Business, number of machines, and/or number of rental units, shall notify the Business License Inspector of any change in the floor area, ground area, number of persons engaged in the Business, number of machines, number of rental units, prior to any change.
- 9.3. Where changes are made under 9.1 or 9.2 then the powers, conditions, requirements and procedure, relating to the granting or refusal of licenses and appeals herein, shall apply to all such changes.

10. RENEWAL OF LICENSE

- 10.1. It shall be incumbent upon each person to renew their Business License prior to the beginning of each licensing period. Every person granted a Business License shall notify the Business License Inspector in writing forthwith when the license is no longer required.
- 10.2. Business Licenses may be renewed by completing and submitting to the Business License Inspector an Application for Business License, together with the appropriate fee as set out in Schedule A, by December 31st of each calendar year. Failure to submit such Application will result in the automatic suspension of the license. Licenses so suspended may be renewed and reinstated within 15 days of the suspension upon the payment of an additional fee of \$ 35.00 or within 16 to 75 days of the suspension upon the payment of an additional fee of \$75.00. Failure to apply for a license renewal within 75 days will result in the automatic revocation of the license.

11. RELOCATION, TRANSFER OR SALE OF BUSINESS

11.1. Any person desiring to relocate a Business from the Premises for which the Business License was issued, to a different Premise on a Reserve shall complete and submit an Application for a Business License to the License Inspector and the powers, conditions, and requirements relating to the granting or refusal of licenses and appeals set out in this bylaw shall apply.

11.2. No person who purchases a Business licensed pursuant to the by-law shall carry on or continue such Business without first completing and submitting an Application for a Business License to the License Inspector and the powers, conditions and requirement relating to the granting or refusal of licenses and appeals set out in this bylaw shall apply.

11.3. In the event of a relocation of a Business for which a license has been issued, the License Inspector will permit the relocation of the license from one Premise to another, provided:

11.3.1.the licensee has completed an Application for Business License;

11.3.2.the licensee has paid the fee under section 8.2 of this by-law; and

11.3.3.the proposed new Premise complies with the terms of this by-law.

11.4. In the event of a sale of the Business for which a license has been issued, the License Inspector will issue a new license to the purchaser of the Business, provided:

11.4.1.the proposed assignee has completed an Application for Business License;

11.4.2.the proposed assignee has paid the fee under section 8.4 of this by-law; and

11.4.3.the proposed assignee meets the provisions of this by-law to carry on the Business for which the Business License was issued.

12. SUSPENSION AND REVOKING OF LICENSE

12.1. Notwithstanding section 5.5 the Council may, by Band Council Resolution and upon giving notice in the form set out in Schedule E, (i) suspend for a period not exceeding ninety days, or (ii) revoke, any license issued under this by-law, where it has come to Council's attention that the licensee:

12.1.1.has failed to comply with this by-law;

12.1.2.is carrying on a Business that fails to comply with any applicable provisions in any other bylaw of the Council;

12.1.3.within the preceding three years of license issuance or since license issuance, has been convicted of an offence under the *Criminal Code* (Canada), relating to the conduct of the Business whether on or off a Reserve, for which the licensee has not been pardoned;

12.1.4.has conducted the Business in a manner that is detrimental to the health, welfare, safety and environment of inhabitants of a Reserve;

12.1.5.is convicted of any offense under any statute in respect of the Business or with respect to the Premises named in the Business License; or

12.1.6.if carrying on a Business, the purpose of which is to engage in or permit, allow, facilitate, encourage or assist others to engage in, any

activity which violates the *Criminal Code* (Canada), and the Council will hold a review hearing of such suspension or revocation within 90 days.

12.2. Council will give the licensee at least seven days' notice of the hearing referred to in section 12.1 and the License Inspector will serve notice in the form of Schedule E personally or by registered mail to the licensee at the address shown on the Business License but if the licensee after reasonable efforts of the Council and License Inspector, cannot be found and has not come forward, then the notice will be considered to be duly served if delivered and posted at the Premises referred to in the License and an *ex parte* decision will be issued against the licensee.

12.3. Sections 13.2 thru 13.10 apply *mutatis mutandis* to the hearing referred to in section 13.

12.4. The License Inspector will post the notice of suspension or revocation of a Business License by the Council upon the Premise for which the license was issued and the notice must not be removed until the Business License is reinstated or the licensee ceases to occupy the Premise, or a new Business other than the one carried on by the former licensee is licensed on the premises.

13. APPEALS

13.1. Within thirty days (30) of service of a notice arising under sections 5.2, 5.3, 5.5, 6.3 or 12.1 of this by-law the applicant or licensee may apply for a review by Council by completing and filing with the License Inspector a Notice of Review in the form set out in Schedule D, together with the payment of the fee referred to in section 9.4,.

- 13.2. The License Inspector, upon receipt of a Notice of Review and the fee referred to in section 13.1, will forthwith transmit to Council and the applicant:
 - 13.2.1. a copy of the original Application for a Business License as completed by the applicant and copies of any supporting documentation accompanying the application;
 - 13.2.2. a copy of the applicant's completed Notice of Review; and
 - 13.2.3. a copy of the License Inspector's refusal and reasons for refusal.
- 13.3. Upon receipt of the material described in section 13.2 of this by-law, Council will determine the time and date of the review hearing, which will be at least fifteen (15) days hence but no more than forty-five (45) days and will advise the License Inspector of its decision. The License Inspector will forthwith serve the Notice of Hearing in the form set out in Schedule F on the applicant by personal service or by registered mail at the address shown in the Application for Business License. Council will hold the review hearing at the time and date set out in the Notice of Hearing. The applicant shall be given at least seven (7) days notice of the hearing.
- 13.4. The applicant may be represented at the review hearing by Counsel and the applicant or Counsel may adduce evidence, submit argument in support of the Application for the Business License, answer any objections that may arise, and examine or cross examine witnesses.
- 13.5. At the review hearing, the License Inspector is entitled to submit arguments in reply to evidence and argument presented by or on behalf of the applicant.

- 13.6. At the review hearing, the onus will be upon the applicant to show just cause why the license applied for should be granted.
 - 13.7. Council will give its decision in writing to the License Inspector within seven (7) days of the date of the completion of the review hearing.
 - 13.8. The License Inspector will forthwith notify the applicant of the decision referred to in section 13.7 of this by-law, including notification that the applicant has a further right of appeal to a court of competent jurisdiction, by serving a copy of the decision personally or by registered mail to the applicant at the address shown on the Application for Business License.
 - 13.9. If the applicant agrees at the review hearing to accept conditions placed on the Business License, Council may render a decision granting the applicant the Business License applied for upon such conditions as it considers fair and appropriate, and as authorized by law.
 - 13.10. All review hearings will be held in camera unless the applicant requests in the Notice of Review that the hearing be open to the public, and Council will approve such request. The decision resulting from the review hearing will be made public forthwith, and any minutes of the review hearing will be available to the public within fifteen (15) days of the decision.
 - 13.11. If Council renders a decision granting the applicant the license applied for, the Business License will be issued upon the applicant complying with this by-law.
14. Section 14 of the Kamloops Bylaw 1981-1 is amended by adding the following sections:
- 14.1. no amendment

- 14.2. no amendment
- 14.3. no amendment
- 14.4. The Council may charge a licensee, whether the Business License is expired, revoked or suspended, with all reasonable costs which are incurred in the collection of all fees, fines, interest, penalties or other costs imposed by this by-law.
- 14.5. The Council may upon application by an applicant or licensee postpone any enforcement proceedings authorized by this section, where it is determined, in the sole discretion of the Council, that such enforcement would result in undue hardship.
15. Sections 15 thru 26 of the Kamloops Bylaw 1981-1 are repealed and the following sections 15 -18 are substituted therefor:

15.0 SOLICITING

- 15.1. No person shall canvass or solicit Business on any street or sidewalk on the Reserve from cards or samples, or in any other manner whatsoever for the sale of goods, wares or merchandise or any article or thing for future delivery.
- 15.2. No person shall carry on any soliciting for charity when such person is to receive either directly or indirectly any compensation or reward without first obtaining a Business License for that purpose.
- 15.3. Before any Business License to solicit for charity is issued by the License Inspector, applicants shall file with the Inspector each specific purpose for which soliciting is to be made; a statement setting out the name and address

of the applicant and the names and addresses of all other persons who may be engaged in such soliciting; the name and address and description of any organization on whose behalf, and the class of person for whose benefit such service is to be made; the total amount intended or expected to be raised; the method or scheme to be employed in such soliciting; the estimated total amount to be expended or received as compensation or reward; the proposed use of funds; and the method of distribution thereof; the specific times when such soliciting shall be carried on, all of which shall be verified by affidavit of the person or chief officer of the organization on whose behalf or for whose benefit solicitation is to be done.

- 15.4. No person shall carry on any soliciting for charity on any street on the Reserve unless such person shall have first obtained a Business License.
- 15.5. The provisions of sub-section 3 shall not apply to appeals made by Church organizations, religious denominations or other bonafide societies where such appeals are made solely and exclusively to members of such organizations or societies.
- 15.6. The soliciting of sales of any article, commodity or thing, or soliciting of any service, or contract service, or the soliciting of any agreement or promise that will lead to any service or contract to service, or the sale of any article, commodity or things, shall require a Business License issued under the provisions of this by-law.
- 15.7. Every Business License to solicit shall be a personal license to the applicant and not transferable.
- 15.8. No person may apply for a license to solicit on behalf of another person.

15.9. Soliciting within the Reserve between the hours of 21:00 hours (9:00 p.m.) and 9:00 hours (9:00 a.m.) is not permitted, except by special permission of Council.

15.10. No person shall sell any goods whatsoever from out of any vehicle or conveyance on any street or road within the Reserve provided that this shall not apply to vendors of frozen confections. Such selling may only be undertaken from private property and with the approval and knowledge of the owner. This approval in no way releases such person from other requirements of this by-law.

15.11. The soliciting of sales of any article, commodity or thing, or any agreement for the provision of any services shall require a Business License issued under the provisions of this by-law.

16. CARNIVALS - INSURANCE AND INSPECTIONS REQUIRED

16.1. Any person seeking a license to hold a carnival or circus must:

16.1.1. Obtain insurance in the amount of \$2,000,000.00 for personal injury, death and property damage. Proof of such insurance must be submitted to the satisfaction of the License Inspector prior to granting of a license. The Band shall be included as an additional insured;

16.1.2. The insurance must contain a clause excluding the Kamloops Band from liability in the event of injury or damage being done to any person or property as a result of any activity or street parade of the carnival or circus; and

- 16.1.3. The licensed shall hold the Band harmless against claims, actions for injury, damage, loss or death arising out of or resulting from the operation of the carnival or circus. The licensee's insurer must recognize the existence of the hold harmless clause.
- 16.2. An inspection certificate from an accredited safety engineer shall be submitted to the License Inspector before a Business License shall be granted for a carnival or circus. The inspection certificate shall state in precise terms that all machines, rides or equipment to be used by the public conform to acceptable standards and the License Inspector may require that a similar certificate be submitted every seven days during the term of Business License or as directed by the License Inspector.
- 16.3. A cash bond of \$500.00 shall be deposited with the Band Administrator and such bond or part thereof shall be forfeited to the Kamloops Band of Indians to pay for any damages or the cost of any clean-up required during or after the term of the license. Such bond or part thereof shall be returned by the Band Administrator upon notification by the License Inspector that all conditions regarding damages and clean-up are satisfactory.

17. GENERAL REGULATIONS

- 17.1. Every vehicle making delivery within a Reserve of wood, fuel, sand or gravel shall have clearly printed thereon the name and address of the owner and the carrying capacity for the particular commodity being carried.
- 17.2. Every person licensed to do Business within the Reserve shall, where he is operating a commercial vehicle in connection with his Business, have displayed and on both sides of the vehicle the name and address of the

licensee or alternatively the trade name and telephone number of the owner of the vehicle.

- 17.3. No person shall, without express instructions from the owner or occupier of the premises, attend upon or canvass at any residential premises for the purpose of soliciting Business that is in any way connected with home repairs or alterations.
- 17.4. No person shall call at any residence between the hours of 21:00 hours (9:00 p.m.) and 09:00 hours (9:00 a.m.) for the purpose of selling, soliciting or taking orders for goods, materials, publications or services of any kind unless a previous appointment has been made for such call.
- 17.5. No person holding or required to hold a Business License pursuant to the provisions of this by-law shall refuse to sell any goods or furnish any service, or supply any accommodation to any person by reason of such person's race, sex, creed or color.

18. SECTION ULTRA VIRES

18.1. In the event of any portion of this by-law being declared ultra vires, or quashed for any other reason, such decision shall not affect the by-law as a whole, and the remaining portions of the by-law shall remain in effect notwithstanding such decision.

Hereby authorized on behalf of the Kamloops Indians at Kamloops Indian Reserve #1 on the 18th day of March, 1997.

CHIEF: Clarence F. [Signature]

COUNCILLOR: Clarence Jules [Signature]

COUNCILLOR: Richard [Signature]

COUNCILLOR: James Casimir [Signature]

COUNCILLOR: [Signature]

COUNCILLOR: Russell Casimir [Signature]

COUNCILLOR: _____

COUNCILLOR: _____

COUNCILLOR: _____

SCHEDULE A

BUSINESS CATEGORIES AND FEES PAYABLE

FOR EACH LICENSING PERIOD

Accommodations

Includes the carrying on of the business of renting or leasing suites or rooms in a hotel, motel, rooming house, bed and breakfast house, apartment, mobile home park or campground:

Fees:	a)	Rooms:	\$5.50 per room with a minimum Fee at \$49.50
	b)	Mobile Home Park	\$5.50 per space
	c)	Campground	\$ 2.75 per space with a minimum Fee at \$22.00

Automobile/Vehicle Sales, Rental and Service

Includes the carrying on of the business of sales, rental and service of new or used automobiles, snowmobiles, motorcycles and boats, trucks or recreation vehicles is as follows:

Fees:	a)	Sales and rental only	\$247.50
	b)	Sales, rental and service	\$390.50
	c)	Sales, rental and service of snowmobiles, motorcycles and boats only	\$247.50

Business Services

Includes the carrying of a business offering a service, excluding businesses which sell products as their primary business and professional services, including but not limited to appliance and electronic repair service, auctioneer, collection agency, counseling service, dance studio, desk top publisher, hall rental, janitorial service, research and development laboratory, liquor delivery service, office assistance and answering service, office use, photographic studio, commercial printing service, security/enforcement service, steam cleaning service, tax preparation service, travel agency, upholsterer, consulting services (vocational, educational, research and planning, and financial), mobile hairdresser service, land developer, driver training service, bookkeeper service, drafting and design service, automobile towing service, property maintenance and management service, business machine maintenance service, and advertising, promotion and design service, large scale day care, general handyman (non-trades)

Fee: for each business service \$143.00

Carnival or circus

Includes the carrying on of the business of a carnival or circus

Fee: a) Each ride \$11.00/day

b) Each exhibit, food booth or game booth \$5.50/day

Contractor

Includes the carrying on of the business of constructing, repairing, or demolishing a building, structure or thing, or offering the service of an associated building, construction or engineering sub-trade as follows:

a) General Contractor: includes any person, corporation, company, firm or organization engaged in the business of general building construction or general engineering construction in the sense that contracts are entered into for substantially complete services involving responsibility for a number of recognized building or engineering sub-trades under one contract and shall include such person carrying out general building construction whether such construction is carried out for himself or for others. General building construction shall include the erection, finishing, alteration and addition to buildings and structures wherein more than one recognized building trade is involved at any one time. General engineering construction shall include the construction of towers, bridges, pipelines, dams, roads, earthwork, water, and drainage systems and the like.

Fee \$484.00

b) General Contractor (Owner of Commercial Premise) includes any person who chooses to act as his own general contract for work conducted on his own existing commercial premise(s)

Fee \$242.00

c) General Contractor (Residential building) includes any person who confines his business to residential construction or house renovations not exceeding four houses per year

Fee \$242.00

d) Sub-Contractor (Tradesman) includes any person or business performing or engaged to perform in the construction or associated trades, either for his own use or benefit or for that of another, any work within the reserve whether such work is undertaken on an hourly, daily, weekly or monthly basis, labour basis, contract basis or cost plus basis or otherwise and includes the following classifications:

auto, truck and machine repair
 brick, concrete, stone or masonry
 building, carpentry, cabinet making, framing, siding forming
 demolition
 drywall, gyprock, plaster, stucco
 excavating, ditching, filling, landscaping
 electrical
 flooring and carpeting
 glazing, installation of windows and doors
 heating, air conditioning, refrigeration, sheet metal
 insulating, roofing
 installation of mechanical equipment
 ornamental metal work
 painting and decoration
 plumbing and sanitation
 paving
 equipment or machine operation
 structural metal fabricating and installing
 welding
 machine shops, others not herein specified

Fee: \$121.00

e) Subcontractor (Installer) includes any person who holds a separate licence to sell a product and who provides on-site installation service of that product

Fee: \$60.60

Convenience Shop

Includes a retail store, which for the local convenience and well being of the residents of the Kamloops Indian reserves, remains open for business after 21:00 hours. (9:00 p.m.) on no fewer than six evenings each week of the year and comprises a total floor areas of not more than 185 m² not including living quarters or unfinished basement.

Fee: \$135.00

Equipment Sales, rentals and service

Includes the carrying on of a business for sales and service of industrial, farm equipment and light commercial equipment

Fee:	a)	Heavy Industrial Equipment	\$484.00
	b)	Light Industrial and Farm Equipment	\$242.00

c) Light Commercial Equipment \$154.00

Escort Agencies

Fee: \$3,000.00

Fabricating

Means a business where pre-finished materials are used to make a product or thing, including but not limited to tire retread plant, woodworking shop, sign shop, garment factories, wire cable works, sheet metal shop, steel fabricating shop and fiberglass fabricating shop

Fee: \$192.50

Financial and Brokerage Companies

Includes the carrying on of the business of a bank, trust company, credit union, finance and loan company, or brokerage company

Fee:	a)	1-20 employees	\$715.00
	b)	Over 20 employees	\$1,210.00
	c)	Instant Bank Machine	\$110.00 each

The additional Fee for instant bank machines are for those requiring a separate licence because they are located at a separate premise from the bank or other financial or brokerage company.

Food Service

Includes the business of preparing and selling foods including a restaurant, deli, bakery, caterer, tea room and mobile food concession

Fee:	a)	Restaurant, bakery, deli, caterer	\$192.50
	b)	Accessory Restaurant	\$110.00
	c)	Mobile Food Concessions	\$55.00 / unit with a minimum at \$220

Fuel Sales and Service

Includes the business of a fuel bar, service station or bulk fuel agent/dealer

Fee: \$192.50

Fuel bar and service stations may provide a car wash and minor repairs to vehicles without an additional licence and convenience goods for retail sale without an additional retail licence, provided that the convenience goods display area does not exceed 10 m2.

Funeral Service

Means the carrying on the business of a funeral service

Fee: \$242.00

Hair Stylist/Aesthetician

Includes any building, room or place where the business of cosmetologist, aesthetician, or barber including hairdressing, scalp treatment, manicuring or face treatment is carried out.

Fee: a) First person \$66.00
b) Each additional person \$22.00

Handicrafts and Arts

Includes any home occupation business of making or producing a product or thing as a handicraft or art form, including but not limited to makers of carvings, ceramics, macramé, puppets, jewelry, glasswork, gift baskets, freelance photographers, writers, artists and teachers of music, singing and dancing

Fee: a) \$66.00
b) Exhibition sales \$5.50/day with a minimum of \$22.00

Exhibition sales means the temporary sale of products made by the licensee and sold in premises not holding a theatre licence.

Laundromat and Dry Cleaner

Includes the business of a laundromat or dry cleaner which may include on-site fabric repair

Fee: a) Laundromat only \$143.00
b) Dry Cleaner only \$143.00
c) Combined laundromat and dry cleaner \$192.50
d) Drop-off service only \$60.50/ location

Liquor sales

includes the business of selling liquor to the public in establishments listed below and including the accessory sale of food

Fee:	a)	Beer and Wine Store	\$192.50
	b)	Lounge	\$302.50
	c)	Cabarets/Nightclubs	\$605.00
	d)	Neighbourhood Pub	\$605.00
	e)	Hotel Pub	\$907.50

Mail Order Agency

Includes a business where orders are taken by any person either on his own behalf or as an agent for another for the sale of goods, wares or merchandise kept in stock for retail by sale by such person or his principal or principals outside the Reserve, or where such business is carried on in conjunction with the business of a retail or wholesale trade or merchant resident on the Reserve.

Fee:	\$135.00
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Manufacturing Plant

Includes the business of manufacturing a product or thing, including food and beverage products, from unfinished or raw materials:

Fee:	a)	Pulp Mill, Refinery, Cement Plant	\$1,210.00
	b)	Saw Mill	\$968.00
	c)	All other	\$484.00

Media Service

Includes the business of a media-oriented service, including newspaper publishers, broadcasting stations

Fee:	\$242.00
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Messenger and Express Service

Includes the business of delivering or collecting messages or packages or any form of goods or things or doing errands for the public for gain or profit.

Fee:	a)	Up to 10 employees	\$100.00
	b)	Over 10 employees	\$200.00

Minor Trades and Occupations

Includes a small-scale business which is owner operated and service-oriented and which may be of a seasonal nature, including but not limited to chimney sweeps, piano tuners, dressmakers, watch repairers, house cleaners, nannies, small-scale day care, kindergarten or play school facilities, recreation/sport trainers, animal boarding kennels, sale of agricultural products grown on the Premises, fire wood sales, Christmas tree sales and knife/saw sharpeners

Fee:			\$66.00
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Mobile Home Sales

Includes the business of a dealer for new and used mobile home sales from commercial premises or a listing agency for used mobile homes located on private premises

Fee:	a)	Dealer Sales	\$484.00
	b)	Listing Agency	\$242.00

Nursing Home/Private Hospital

Includes the business of operating a residential care home, nursing home, private hospital or home for the aged or handicapped provided that there are greater than two beds.

Fee:	a)	Three to nine beds	\$82.50
	b)	Ten or more beds	\$165.00

Parking Lot

Includes the business of renting or leasing parking stalls

Fee:	a)	1 - 15 stalls	\$82.50
	b)	over 14 stalls	\$121.00

Pawnbroker

Includes the business of accepting for sale used or new items and then offering them to the public for sale

Fee:			\$330.00
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Pest Control Services

Includes the business or occupation involving the use or application of agricultural pesticides who holds the required Licenses

Fee: \$135.00

Professional Service

Includes the business of a professional service to the public, including engineers, veterinarians, accounting professionals, barristers and solicitors, notaries public, medial professionals, dental professionals, surveyors, psychologists, real estate appraisers, insurance adjusters, physiotherapists, naturopathic physicians, architects, chiropractors.

Fee: \$121.00 /professional

Real Estate Agent/Salesperson and Insurance Agent/Salesperson

Includes the business of providing real estate services or insurance services

Fee: \$88.00/agent or sales person

Recreation/health spa facility

Includes the carrying on of the business of a recreation facility (indoor/outdoor), health spa or bowling alley, including but not limited to aerobic fitness studios, bodybuilding gymnasiums, billiard halls and arcades is as follows:

- | | | | |
|------|----|--|--------------|
| Fee: | a) | Recreation/Health Spa Facility, Arcade | \$192.50 |
| | b) | Bowling Alley (1 to 5 lanes) | \$55.00 |
| | | with each additional lane | \$22.00/lane |
| | | up to a maximum of | \$330.00 |
| | c) | Games Rooms (1 to 3 machines) | \$55.00 |

Repair shop

Includes the business of a repair shop for automobiles, trucks, snowmobiles, motorcycles, recreation vehicles and boats, including but not limited to auto body shop, radiator shop, tire store, brake shop, muffler shop, machine shops, welding shop, and mechanical repair shop is:

Fee: \$143.00

Restaurant

Includes any dining room, coffee shop, tea room, ice cream parlour, eat in or take out food establishment, or any other place, whether permanent or temporary, fixed or movable, in which foods and/or beverages for human consumption on or off the premises.

Fee: \$175.00

Retail Sales

Includes the carrying on of the business of retail sales of goods or food products from permanent commercial premises is as follows:

- a) Department Store
 - i) Floor area greater than 2,727 m² \$1,200.00
 - ii) Floor area from 1,858 m² to 2726 m² \$946.00
 - iii) Floor area from 1,394 m² to 1857 m² \$836.00
 - iv) Floor area from 929 m² to 1393 m² \$726.00

- b) Retail Store
 - i) floor area from 604 m² to 928 m² \$484.00
 - ii) Floor area from 325 m² to 603 m² \$275.00
 - iii) Floor area less than 324 m² \$143.00

- c) Grocery Store
 - i) Floor area from 604 m² to 928 m² \$484.00
 - ii) Floor area greater than 929 m² \$605.00

- d) Adjunct Educational Classes to a Retail Business \$66.00

For department stores operating a restaurant, bakery or automobile repair shops, a separate license shall be required in accordance with the appropriate business licence classification for each business operation.

For grocery stores operating a restaurant, bakery, shoe repair shop, video rental outlet and book store, a separate licence shall be required in accordance with the appropriate business licence classification for each business operation.

Sale from Mobile Home

Includes on the business of selling goods and food products from a vehicle parked on a site for no longer than two consecutive days per week at a location permitted under the City of Kamloops Zoning By-law, as amended from time to time, is:

Fee: \$242.00

Sale of goods

Includes the business of selling products from a temporary commercial premise or taking orders for the sale of products to be supplied by persons not licensed to carry on a business in the city and which may be sold either by direct sales, by telephone solicitation, by door-to-door solicitation, by mail order solicitation, or by home party solicitation is as follows:

- | | | |
|----|--------------------------------------|---------------|
| a) | Salesperson | \$220.00 each |
| | up to a maximum of | \$440.00 |
| b) | Home party salesperson | \$88.00 each |
| c) | Seasonal fruit stand/garden supplies | \$192.50 |

Home party sales includes, but is not limited to, persons selling cosmetics, home beautifiers, household cleaning products, educational products, clothing and toys which may be sold only by home party, in homes other than the salesperson's home.

Second sales/auto wrecker

Includes the business of retails sales of secondhand goods, scrap metals and automobile wrecker and a second hand store or shop or to carry on the trade or business of a dealer in second hand goods, wares, merchandise or effects of any description.

Fee: \$176.00

Security Service and Patrol

Includes any business whereby any person who by contract or agreement undertakes to watch or patrol the premises of more than one person for the purpose of guarding and protecting persons and/or property against robbery, theft, burglary, or other hazards.

Fee: \$135.00/ person

SCHEDULE B

DATE: _____

APPLICATION FOR BUSINESS LICENSE

1. Applicant's Name: _____

2. Applicant's Date of Birth: _____

3. Applicant's Address: _____
(RESIDENCE)

4. Name of Company proposed as Licensee: _____

5. Mailing Address: _____
(PARTNERSHIP/CORPORATION if different)

6. Phone Number: residence: _____ office: _____

7. Fax Number: residence: _____ office: _____

8. Name of Business to be licensed: _____

9. Address of Business to be licensed: _____

10. Name of Individual in charge at this location: _____

11. Title of Individual in charge: _____

12. Type of Business:

13. Have you previously had a business license from the Kamloops Band.
Yes ___ No ___

If so, is this applicatoin to renew your present Business License?
Yes ___ No ___

14. Are you presently registered with the federal government or a self-regulating professional body with respect to the conduct of your business? Yes ___ No ___
(If yes, applicant must provide proof and give details below).

15. Are you bonded with a bonding agency with respect to the conduct of your business? Yes ___ No ___ (If yes, applicant must provide proof and give details below).
16. Is the business incorporated? Yes ___ No ___ Federal ___ Provincial ___ (If yes, applicant must provide details below).
17. Is the business administered by a partnership? Yes ___ No ___ (If yes, applicant must provide proof and give details below - registration).
18. Have you, within the previous three years, been convicted of an offense under the Criminal Code (Canada) for which you have not been pardoned? Yes ___ No ___.
19. If the Business is in respect of a theatre, including a drive-in theatre, amusement hall, concert hall, music hall, rink, amusement park or other place of amusement, entertainment or exhibition, or a circus, horse show, horse race, dog or phony show, exhibition or other itinerant show or entertainment, how long do you intend to operate the Business on reserve? _____.

NOTE: PLEASE READ SECTION OF THIS BY-LAW WHICH OUTLINES THE CONDITIONS WHEREBY YOUR LICENSE COULD BE DENIED, REVOKED, OR SUSPENDED.

SCHEDULE C

NOTICE OF REFUSAL TO GRANT LICENSE

TO:

(NAME OF APPLICANT)

(ADDRESS OF APPLICANT)

RE:

(LOCATION OF BUSINESS)

TAKE NOTICE that pursuant to the Kamloops Band Business Licensing Amendment By-law your application to: ___ receive, ___ renew, ___ transfer, ___ assign a BUSINESS LICENSE is refused.

AND take NOTICE that you have 30 days from the date of this NOTICE within which you may apply for a review by Council by completing and filing A Request for Review Hearing of said By-law and paying the fee pursuant to this by-law with the License Inspector.

AND take NOTICE that if you file a Request for Review Hearing, a hearing will be conducted by the Council of the Kamloops Band for which you will be notified of the time and place to attend.

Dated at _____ this ___ day of _____, 19__.

LICENSE INSPECTOR NAME AND SIGNATURE

SCHEDULE D

REQUEST FOR REVIEW HEARING

TO: Council of the Kamloops Band

c/o _____
LICENSE INSPECTOR

PURSUANT to the Kamloops Band Business Licensing Amendment By-law, I hereby appeal the decision as outlined on the NOTICE OF LICENSE REFUSAL, dated the _____ day of _____, 19__ and signed by the License Inspector to refuse to:

_____ issue; _____ renew; _____ transfer; _____ assign;
a BUSINESS LICENSE for the following business located at:

(Description of the Business and Location)

On the following grounds:

- 1.
- 2.
- 3.
- 4.

Dated at _____ this _____ day of _____, 19__.

PRINTED NAME OF APPELLANT

APPELLANT'S SIGNATURE

ADDRESS TO WHICH ALL NOTICES TO APPELLANT ARE TO BE SENT

SCHEDULE E

NOTICE OF SUSPENSION OF BUSINESS LICENSE

TO:

(NAME OF APPLICANT)

(ADDRESS OF APPLICANT)

RE:

(LOCATION OF BUSINESS)

TAKE NOTICE that pursuant to the Kamloops Band Business Licensing Amendment By-law your **BUSINESS LICENSE** has been suspended or revoked pursuant to Section 12 of the Kamloops Band Business License Amendment By-law.

AND take **NOTICE** that the Kamloops Band Council will hold a Review Hearing related to this suspension (revocation) on the ____ day of _____, 19__.

AND take **NOTICE** that this review hearing will be held at the hour of _____ (a.m./p.m.) on the ____ day of _____, 19 __ at the following location:

AND take further **NOTICE** that you should bring to the hearing all relevant documents pertaining to this matter.

Dated at _____ this ____ day of _____, 19__.

LICENSE INSPECTOR NAME AND SIGNATURE

SCHEDULE F

NOTICE OF REVIEW HEARING

TO:

NAME OF APPELLANT

ADDRESS OF APPELLANT

RE:

LOCATION OF BUSINESS

PURSUANT to the Kamloops Band Business Licensing Amendment By-law, Council will hear you **Request For Review Hearing** dated the _____ day of _____, 19__ relating to the above-noted business.

AND take NOTICE that this review hearing will be held at the hour of _____ (a.m./p.m.) on the ____ day of _____, 19 __ at the following location:

AND take further NOTICE that you should bring to the hearing all relevant documents pertaining to this matter.

Dated at _____ this ____ day of _____, 19__.

LICENSE INSPECTOR SIGNATURE

SCHEDULE G

BUSINESS LICENSE

_____ is hereby authorized to conduct a business, calling, trade or
(NAME OF LICENSEE)

occupation in the following _____ on the _____
(COMMERCIAL ACTIVITY)

Indian Reserve for the period commencing _____, 19 ____, and expiring _____,
19 ____. (DATE)

(NAME OF BUSINESS)

(LOCATION OF BUSINESS)

(SIGNATURE OF LICENSE INSPECTOR)

(SIGNATURE OF LICENSEE)

(DATE)