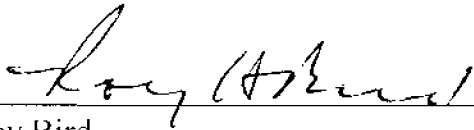


## CERTIFICATE

I, Roy Bird, do hereby certify as superintendent pursuant to section 86 of the Indian Act R.S.C., that the attached copy marked "CERTIFIED TRUE COPY OF THE ORIGINAL" is a true copy of the Bigstone Cree Nation Business Licensing by-law duly made by the council of the Bigstone Cree Nation on the 30<sup>th</sup> day of October, 2003 and approved by the Minister, Indian and Northern Affairs Canada on the 24<sup>th</sup> day of February, 2004.

Signed at Edmonton, Alberta  
this 26<sup>th</sup> day of November, 2004



Roy Bird  
Regional Director General  
Indian and Northern Affairs Canada  
Edmonton, Alberta

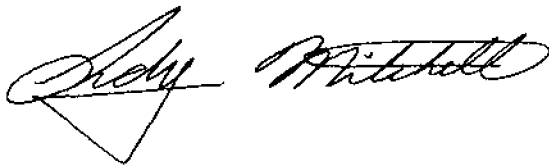
Minister of Indian Affairs  
and Northern Development

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 Bigstone Cree Nation, in the Province of Alberta, at a meeting held on the 30 day of October 2003.

- **Bigstone Business Licensing By-law**



Dated at Ottawa, Ontario this 24<sup>th</sup> day of February 2003. 4

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Canada

**BIGSTONE CREE NATION  
BUSINESS LICENSING BY-LAW**

**BY-LAW NO. 458/Res. No. 002/2003  
BEING A BY-LAW RESPECTING THE LICENSING OF  
MEMBER BUSINESSES, NON-MEMBER BUSINESSES, CALLINGS,  
TRADES AND OCCUPATIONS IN THE NATION**

WHEREAS the Council derives its authority from the membership of the Bigstone Cree Nation and is responsible for the peace, order and good government of the Bigstone Cree Nation;

AND WHEREAS the Council desires to make a by-law for the licensing of member trades, callings, businesses, and occupations operating within the communities;

AND WHEREAS paragraphs 83(1)(a.1),(e),(e.1) and (g) of the *Indian Act*, R.S.C. 1985, c. I-5, as amended, empower the Council of the Bigstone Cree Nation to make by-law(s) respecting the licensing of businesses, callings, trades and occupations and any matter arising out of or ancillary to enactment of such by-law(s), including the enforcement of payment of amounts that are payable thereof, and for the imposition and recovery of interest on amounts that are payable thereof;

AND WHEREAS a business licensing by-law is deemed to be expedient for the advancement, promotion, orderly conduct and administration of businesses, and for the health, welfare and safety of the inhabitants of the Communities which comprise the Bigstone Cree Nation including Indian Reserves No. 166 (Sandy Lake), A,B,C, and D, Jean Baptiste Gambler Indian Reserve No. 183, and any other lands which may be acquired as an Indian Reserve by the Bigstone Cree Nation by way of future land claims agreements;

THEREFORE BE IT RESOLVED THAT the Council of the Bigstone Cree Nation hereby enacts the following Business Licensing By-law.

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## SHORT TITLE

1. This By-law may be cited as the *Bigstone Business Licensing By-law*.

## DEFINITIONS

2. In this By-law,

“business” means commercial activity, employment or profession, occupation, trade or calling, or an enterprise which habitually occupies or engages the regular time, attention, labour and effort of the licensee or person(s) for the purposes of financial gain, benefit, advantage, livelihood or profit, or, in which the licensee or person(s) shows willingness to invest time and capital on future income;

“Business Development Officer” means the individual assigned, from time to time, to carry out administrative duties under this By-law;

“calling” means a business, occupation, profession, trade or vocation;

“Chief” means the Chief of the Bigstone Cree Nation as referred to in section 2 of the *Indian Act*, appointed according to custom;

“communities” includes the Bigstone Cree Nation Reserve communities of Wabasca, Desmarais, Sandy Lake, and Calling Lake;

“Council” means the Council of the Bigstone Cree Nation as referred to in section 2 of the *Indian Act*, appointed according to custom;

“Councillor” means the Councillor(s) of the Bigstone Cree Nation, appointed according to custom;

“licence” means a licence issued under this By-law permitting the licensee to conduct or carry on a business, calling, trade or occupation in the communities;

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“licensee” means a person to whom a licence is issued under this By-law;

“member” means a member of the Bigstone Cree Nation as defined in the Membership Code of the Bigstone Cree Nation;

“occupation” means a particular business, profession, trade or calling which engages the licensee's or person's regular time, labour and efforts;

“profession” means a vocation, occupation or calling requiring special, advanced education and skill;

“*Reserve*” means the Indian Reserves of the Bigstone Cree Nation and include all lands that have been set apart, the legal title of which is vested in Her Majesty the Queen in Right of Canada for the use and benefit of the Bigstone Cree Nation;

“trade” means a form of occupation pursued or practised by the licensee or person(s), as a business or calling for the purposes of a livelihood or for profit, or for the buying and selling or exchanging of commodities either by wholesale, retail, barter or traffic.

#### **BUSINESS DEVELOPMENT OFFICER**

3. The Council will, by council resolution appoint a Business Development Officer to receive applications, issue licences and carry out the business licensing administrative functions under this By-law, including the enforcement thereof.

#### **DUTIES OF THE BUSINESS DEVELOPMENT OFFICER**

4. The Business Development Officer shall
  - (a) receive and process all applications, renewals, transfers and assignments of licences to be issued under this By-law;
  - (b) maintain a record of all applications and fees for licences and retain on file, a copy of all licences issued, together with their particulars;

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- (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) make all investigations as required by the Bigstone Cree Nation, relative to an application under this By-law;
- (e) report in writing to the Council every two months, or as otherwise requested by the Council, indicating any and all actions taken pursuant to this By-law; and
- (f) perform such other duties as may be requested by Council from time to time.

### **LICENCE REQUIREMENTS**

**5. Every person conducting or carrying on a business, calling, trade or occupation in any of the communities must hold a valid licence issued under this By-law.**

**6. Except as specifically provided for in this By-law, any person carrying on more than one business in any of the communities must obtain a separate business licence for each business.**

**7. Every licence granted under this By-law will state that the licensee is licensed to carry on the business stipulated in a lawful manner for the period specified at the place therein stated.**

**8. The licensee must notify Council by delivering written notice of any change in:**

- (g) his or her mailing or business address;
- (h) the classification of the business under the classification provisions of this By-law;
- (i) the location of the business; and
- (j) any alteration to the premises in which the business is conducted.

## LICENCE APPLICATION

9. Every person who wishes to conduct a business, calling, trade or occupation in any of the communities must apply in writing in Schedule 2 to the Council, and must disclose all information required on the application form.
10. Where the applicant for a business licence under this By-law is a corporation or partnership, proof of incorporation or partnership must be provided with the completed Schedule 2.
11. A licensee may not transfer a licence from one premises to another premises without prior approval of the Council.
12. In the event of a sale of the business for which a licence has been issued, Council will permit an assignment of the licence to the purchaser of the business, provided
  - (k) the proposed assignee has completed an application in Schedule 2; and
  - (l) the proposed assignee has paid the fee under section 17 of this By-law.

## LICENCES

13. A licence will specify the type(s) and premises of the business, calling, trade or occupation the licensee is permitted to conduct.
14. A licence is valid throughout the communities unless expressly restricted by Council.
15. A licence will be issued in Schedule 1.

## FEES

16. The annual business licence fee shall be set annually by way of a Band Council Resolution by the 1st day of January of each year.

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17. The fee payable for the transfer or assignment of a business licence shall be set annually by way of a Band Council Resolution by the 1st day of January of each year.

18. Licences are granted for a one (1) year period commencing January 1 and terminating December 31 in each year. The licence fee prescribed in this By-law will be reduced by one-half where a person is licensed after July 31 in any year. No licence fee paid after July 31 will be refunded.

19. In the event of a licensee not renewing the licence on or before the expiry date set out in section 18 of this By-law, the licensee may renew the licence by completing an application in Schedule 2 up to and including the fifteenth day after the expiry date and will pay at the time of issuance of the licence the licence fee set out in section 16 of this By-law.

20. In the event of a licensee not renewing the licence on or before the fifteenth day after the expiry date set out in section 18 of this By-law, the licensee ceases to be a licensee.

#### NO REFUND

21. No licence fee paid pursuant to this By-law shall be refundable.

#### ISSUANCE OF LICENCE

22. The Chief and Council shall, by band council resolution, decide and define the types of businesses that may be permitted and licensed in the communities; and, upon a business licence applicant meeting the provisions for licence issuance pursuant to section 23 of this By-law, a business licence will be made out to the applicant.

23. The Business Development Officer shall, upon receiving an application for a business licence, prepare, issue and deliver a licence to the applicant where

- (m) the applicant has disclosed all required information in the application form and the Business Development Officer is satisfied that all information disclosed by the applicant is true;



- (n) the Business Development Officer is satisfied that the applicant's business is of a type permitted by Council under section 22 of this By-law;
- (o) the applicant's business would be not detrimental to the health, welfare and safety of inhabitants in the communities; and
- (p) the required fee for the licence has been paid.

**24.** Every licence granted pursuant to this By-law will be in duplicate, one copy of which will be delivered to the licensee and the other copy retained by Council. The licence so granted shall be deemed to be a personal licence to the licensee.

**25.** If the applicant or licensee fail to comply with, or the Council is not satisfied with information provided under section 23 of this By-law, the Council may refuse to issue, renew, transfer or assign the licence applied for, and will give the applicant notice of refusal in writing, the notice to be served personally or by registered mail to the applicant at the address shown in the licence application and such refusal will be deemed to be a refusal to issue the licence applied for.

#### REVOCATION OF LICENCE

**26.** The Council may, by band council resolution, after giving notice and holding a hearing, suspend for a period not exceeding ninety (90) days or revoke any licence issued under this By-law, where it has been shown that the licensee

- (q) has failed to comply with the provisions of this By-law;
- (r) has been convicted of an offence under the *Criminal Code* for which the licensee has not been pardoned, relating to the conduct of the licensee's business or commercial activity whether on or outside the communities;
- (s) has conducted the business in a manner that is detrimental to the health, welfare and safety of inhabitants in the communities; or
- (t) is convicted of any offence under any statute of the Province in respect of the licensed business or with respect to the premises named in the licence.

**27.** The notice of suspension or revocation of a licence by the Council will be posted upon the premises for which the licence was issued and must not be removed until the licence is reinstated or the licensee ceases to occupy the premises, or a newly licensed

business other than the one carried on by the former licensee is started on the premises.

28. No person shall carry 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* of Canada.

#### APPEAL PROCESS

29. A person

- (u) who has been refused a licence or renewal of a licence
- (v) whose licence has been cancelled, or
- (w) whose licence has been suspended

may appeal the refusal, cancellation or suspension by serving the Council with a Notice of Appeal in accordance with Schedule 3 within thirty (30) days after being notified in writing of the refusal, cancellation or suspension.

30. Upon being served with a Notice of Appeal under section 29 of this By-law, Council may delegate its authority to hear the appeal to an Appeal Board made up of non-Council members and, in any event, either Council or the Appeal Board shall determine the date and time for a hearing, to be heard within ninety (90) days of being served with the notice.

31. At least seven (7) days prior to the appeal hearing, the Council or Appeal Board shall

- (x) give notice to the applicant of the date, time and place of the hearing and inform the applicant that he and any other resident of the Reserve has the right to appear at the hearing and to be heard in respect of the application; and
- (y) post in the Bigstone Cree Nation Administration Office a copy of the notice.

32. At the hearing, the Council or the Appeal Board shall

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- (z) provide the applicant with an opportunity to present evidence and to make oral or written submission in support of the application; and
- (aa) provide any resident present at the hearing with an opportunity to be heard.

**33.** After it has heard all of the evidence and submissions, the Council or the Appeal Board shall meet in private to consider the application.

#### **APPEAL DECISION**

**34.** The Council or the Appeal Board may, on hearing an appeal,

- (bb) confirm the refusal or cancellation;
- (cc) direct the Business Development Officer to issue the business licence;
- (dd) reinstate the cancelled business licence; or
- (ee) remove or vary the suspension.

**35.** Within fourteen (14) days after the hearing, the Council or the Appeal Board shall render its decision on the application and shall give a written notice of its decision to the applicant which incorporates written reasons in support of its decision.

**36.** If the Council or Appeal Board renders a decision granting the applicant the licence applied for, the licence will be issued upon the applicant complying with sections 9 through 12 of this By-law and the applicant shall, within fifteen (15) days of the service of a copy of the decision, complete the application.

**37.** Within seven (7) days after disposing of the application, the Council or Appeal Board shall post a notice of its decision in the Bigstone Cree Nation Administration Office.

**38.** The Council may make rules of procedure governing the hearing of applications and shall keep records of its proceedings.

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## CONFLICT OF INTEREST

39. For the purpose of sections 39 through 41 of this By-law, a potential conflict of interest arises where a Councillor or Appeal Board member

- (ff) is an applicant;
- (gg) is a director or officer of any applicant;
- (hh) is an immediate family member of an applicant including spouse, father, mother, son or daughter of the applicant;
- (ii) is a member of the applicant's household; or
- (jj) has a material interest in the proposed licence.

40. The Chief and any Councillor or Appeal Board member and the Business Development Officer must declare any potential conflict of interest he or she may have with respect to an application for a licence under this By-law, and notice of the said conflict shall be served upon Council.

41. The Chief and each Councillor or each Appeal Board member must declare any potential conflict of interest and withdraw from any review hearing held under the provisions of sections 29 through 33 of this By-law, where a conflict of interest may arise.

## AMENDMENT

42. This By-law may only be amended by enactment of another By-law pursuant to s. 83 of the *Indian Act*.

## INTERPRETATION

43. If any portion of this By-law is found to be invalid under any applicable law or is declared invalid by a court of competent jurisdiction, such portion shall be deemed to have been struck from this By-law, and the remainder of this By-law shall continue to have full force and effect.

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44. Words in this By-law that would normally imply singularity of male and female gender should be interpreted as including the singular and plural and the masculine and feminine where the context requires.

45. This By-law shall be interpreted and applied in a manner consistent with the customs, traditions and values of the Bigstone Cree Nation and nothing in this By-law should be construed or interpreted so as to deny, abrogate or derogate from any of the Aboriginal and Treaty rights of the Nation and members of the Nation.

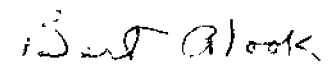
THIS BY-LAW IS HEREBY ENACTED AS BY-LAW NO. 458/Res. No. 002/2003  
BY COUNCIL AT A DULY CONVENED MEETING HELD ON THE 30 DAY OF  
October, 2003.


A quorum of Council consists of five ( 5 ) members of Council.

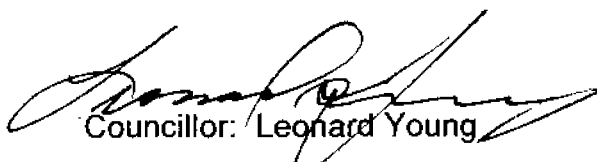
  
Chief: Francis Gladue

  
Councillor: Leonard Okemow

  
Councillor: Clara Moberly

  
Councillor: Bert Alook

  
Councillor: Mareel Gladue

  
Councillor: Leonard Young

  
Councillor: Leonard Alook

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SCHEDULE 1

BIGSTONE CREE NATION  
BUSINESS LICENCE

(Name) \_\_\_\_\_ is hereby authorized to  
conduct a business, calling, trade and occupation in the following  
activity: \_\_\_\_\_ in the  
Community of \_\_\_\_\_ for the period  
commencing \_\_\_\_\_, 20\_\_\_\_, and expiring  
\_\_\_\_\_, 20\_\_\_\_\_.

(Name of Business)

(Signature of Business Development Officer)

(Effective Date)

(Location of business premises)

(Signature of Licensee)

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SCHEDULE 2

BIGSTONE CREE NATION  
BUSINESS LICENCE APPLICATION

1. Applicant's Name: \_\_\_\_\_

2. Permanent Address of Applicant:

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

3. Phone Number: Home: \_\_\_\_\_ Work: \_\_\_\_\_  
Fax: \_\_\_\_\_

4. Business Name:

\_\_\_\_\_

5. Type of Business:

\_\_\_\_\_

6. Period for which licence is required: from \_\_\_\_\_,  
20\_\_ to \_\_\_\_\_, 20\_\_.

7. Type(s) of business activity to be conducted in the community  
pursuant to this licence:

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

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8. Is this type of business, calling or trade required to be registered either provincially or federally? If so, are you registered? (attach proof, if applicable)

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9. Is the business a corporation or partnership? If yes, provide details:

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Applicant's Signature

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Date of Application

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SCHEDULE 3  
BIGSTONE CREE NATION  
NOTICE OF APPEAL

APPEAL TO COUNCIL

PURSUANT TO section 29 of the *BIGSTONE BUSINESS LICENSING BY-LAW, BY LAW NO. \_\_\_\_\_*, I, \_\_\_\_\_, hereby appeal Council's decision to refuse my Business Licence application on the following grounds:

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

and hereby request an appeal hearing before Council to review this decision.

DATED AT \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_.

\_\_\_\_\_  
Printed name of appellant

\_\_\_\_\_  
Appellant's signature

\_\_\_\_\_  
Appellant's Address for Service

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