

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 Little Red River Cree Nation, in the Province of Alberta, at a meeting held on the 11<sup>th</sup> day of December, 1997.

- **Little Red River Cree Nation  
Business Licensing By-law No. 0002  
Respecting the Licensing of Member Businesses, Callings,  
Trades and Occupations in the Nation**

*Jane Stewart*

Dated at Ottawa, Ontario this 28<sup>th</sup> day of April, 1998.

**Canada**

# LITTLE RED RIVER CREE NATION



BY-LAW NO. 0002

## RESPECTING THE LICENSING OF MEMBER BUSINESSES, CALLINGS, TRADES AND OCCUPATIONS IN THE NATION

WHEREAS the Council of the Little Red River Cree Nation desires to make a By-law for the licensing of member trades, callings, businesses, and occupations operating within the communities;

AND WHEREAS the Council of the Little Red River Cree Nation, pursuant to sections 83(1) (a.1), (e), (e.1) and (g) of the *Indian Act* (Canada), may, subject to the approval of the Minister of Indian Affairs and Northern Development, make business licensing By-law(s) respecting any matter arising out of or ancillary to the exercise of powers under this section, 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 three Communities which comprise the Little Red River Cree Nation including Fox Lake I.R. 162, John D'Or Prairie I.R. 215, and Garden River;

NOW THEREFORE the Council of the Little Red River Cree Nation, also known as the Little Red River Indian Band, hereby enacts the following By-law:

1            **Short Title**

1.1           This By-law may be cited as the "Little Red River Cree Nation's Business Licensing By-law".

2            **Definitions**

2.1           In this By-law:

- (a)           "Little Red River Cree Nation" or "Little Red River Indian Band", as the case may be, means a band, as defined in section 2 of the *Indian Act* (Canada);

- (b) "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 purposes of gain, benefit, advantage, livelihood or profit, or, in which the licensee or person(s) shows willingness to invest time and capital on future outcome;
- (c) "calling" means a business, occupation, profession, trade or vocation;
- (d) "Chief" means the Chief of the Little Red River Cree Nation as referred to in section 2 of the *Indian Act* (Canada) and appointed according to custom;
- (e) "Communities" includes the Little Red River Communities of Fox Lake I.R. 162, John D'Or Prairie I.R. 215, and Garden River;
- (f) "Council" means the Council of the Little Red River Cree Nation as referred to in section 2 and of the *Indian Act* (Canada), and appointed according to custom;
- (g) "Councillor" means the Councillor(s) of the Little Red River Cree Nation appointed by custom;
- (h) "Director" means the individual assigned, from time to time, to carry out the administrative duties of Economic Development;
- (i) "Economic Development" means the Economic Development Portfolio administered by three Councillors appointed by Council;
- (j) "Economic Development Office" means the office out of which Economic Development operates, and which is located on John D'Or Prairie I.R. 215;
- (k) "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;
- (l) "licensee" means a person to whom a licence is issued under this By-law;
- (m) "Member" means a member of the Little Red River Cree Nation as defined in section 2 of the *Indian Act* (Canada);
- (n) "occupation" means a particular business, profession, trade or calling which engages the licensee's or person's regular time, labour and efforts;

- (o) "person" includes not only an individual member, but also a partnership, syndicate, association, corporation or the agent and trustee of a person;
- (p) "profession" means a vocation, occupation or calling requiring special, usually advanced, education and skill;
- (q) "trade" means a form of occupation pursued or practised by the licensee or person(s), as a business or calling for purposes of a livelihood or for profit, or, the buying and selling or exchanging of commodities either by wholesale, retail, barter or traffic.

### **3 Requirement for Licence**

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 3.4 For the purpose of this By-law, where a business is conducted, in or from more than one premises, the business conducted in or from each premises shall be deemed a separate and distinct business and requires a separate licence.
- 3.5 The licensee must notify Economic Development, by delivering written notice to the Economic Development Office, of any change in: their mailing or business address; the classification of the business; the area of the premises; the number of persons employed; or any alteration to the premises in which the business is conducted; and upon the termination of conducting the business by the licensee, shall notify Economic Development, by delivering written notice to the Economic Development Office, that the licence is no longer required and shall surrender the licence to the Director.

### **4 Licence Application**

- 4.1 Every person who wishes to conduct a business, calling, trade or occupation in any of the Communities must apply in writing in Form 2 to Economic Development, and must disclose all information required on this application form.

4.2 Every person applying for a licence for any business governed by any federal or provincial statute or governing body must supply proof of their qualifications and of the qualifications of the employees to carry on such a business, and this must accompany Form 2.

4.3 Where the applicant is a corporation or a partnership, proof of incorporation or partnership must be provided with the completed Form 2.

4.4 A licensee may not transfer a licence from one premises to another premises without prior approval of Economic Development, as well as:

- (a) the licensee must complete an application in Form 2; and
- (b) the licensee must pay the fee under section 6.2 of this By-law.

Sections 8.4 and 9.1 to 9.12 of this By-law will apply to the refusal to transfer the licence applied for.

4.5 In the event of a sale of the business for which a licence has been issued, Economic Development will permit an assignment of the licence to the purchaser of the business, provided:

- (a) the proposed assignee has completed an application in Form 2;
- (b) the proposed assignee has paid the fee under section 6.3 of this By-law; and
- (c) the proposed assignee is qualified under the terms of this By-law to carry on the business for which the licence was issued.

Sections 8.4 and 9.1 to 9.12 of this By-law will apply to the refusal to assign the licence applied for.

## 5 Licences

5.1 A licence will specify the type(s) and premises of the business, calling, trade or occupation the licensee is permitted to conduct.

5.2 A licence is valid throughout the Communities unless expressly restricted.

5.3 A licence will be issued in Form 1.

6           **Fees**

6.1           The fee payable for a business licence shall be \_\_\_\_\_ (\$ \_\_\_\_\_) dollars per calendar year.

6.2           The fee payable for the transfer of a business licence will be \_\_\_\_\_ (\$ \_\_\_\_\_).

6.3           The fee payable for the assignment of a business licence will be \_\_\_\_\_ (\$ \_\_\_\_\_).

6.4           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.

6.5           (a)       In the event of a licensee not renewing the licence on or before the expiry date set out in section 6.4 of this By-law, the licensee may renew the licence by completing an application in Form 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 6.1 of this By-law and \_\_\_\_\_ (\$ \_\_\_\_\_).

(b)       In the event of a licensee not renewing the licence on or before the fifteenth day after the expiry date set out in section 6.4 of this By-law, the licensee ceases to be a licensee and will apply for a licence and will pay at the time of issuance of the licence the licence fee set out in section 6.1 of this By-law and \_\_\_\_\_ (\$ \_\_\_\_\_).

7           **No Refund**

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

8           **Issuance of Licence**

8.1           The Chief and Council will, by Council Resolution, decide and define the type of businesses that may be permitted and licensed in the Communities; and, upon a business licence applicant meeting the provisions for licence issuance under section 8.2 of this By-law, a business licence will be made out to the applicant.

8.2           The Director will, upon receiving an application for a business licence, prepare, issue and deliver a licence to the applicant where:

- (a) the applicant has disclosed all required information in the application form and the Director is satisfied that all information disclosed by the applicant is true;
- (b) the Director is satisfied that the applicant has complied with the appropriate federal or provincial requirements or professional association standards with respect to the applicant's business registration and bonding;
- (c) the Director is satisfied that the applicant's business is of a type permitted by Council under section 8.1 of this By-law;
- (d) the applicant's business would not be detrimental to the health, welfare and safety of inhabitants in the Communities;
- (e) the Director's investigations do not disclose any reason to believe that the applicant's character may not be good, or that the carrying on of the said business may result in a breach of the law, or may be in any way adverse to the public interest;
- (f) in the absence of written instructions to the contrary from the Chief and Council, by Council Resolution, regarding the type of business in question; and
- (g) the required fee for the licence has been paid.

8.3 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 Economic Development. The licence so granted will be deemed to be a personal licence to the licensee.

8.4 If the applicant or licensee fail to comply with, or the Director is not satisfied with information from provisions under section 8.2 of this By-law, the Director will refuse to issue, renew, transfer or assign the licence applied for, and will give the applicant notice of refusal in writing, said 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.

## 9 Appeal

9.1 An applicant in receipt of a notice given under section 8.4 of this By-law, within fifteen (15) days of the service of the notice, may apply in writing to Economic Development for a review of the refusal of the Director to issue the licence applied for, by filing said application for review with the Director.

- 9.2 The Director, upon receipt of the application referred to in the preceding subsection, will forthwith transmit to Economic Development and the applicant:
- (a) a copy of the original application as completed by the applicant and copies of any supporting documentation accompanying the application, and
  - (b) a copy of the applicant's application for a review, and
  - (c) a copy of the Director's refusal and reasons therefor.
- 9.3 Upon receipt of the material described in the preceding subsection, Economic Development will determine the time and date of the review hearing, which will be at least fifteen (15) days hence and will give notice to the Director of its determination and the Director will forthwith give said notice in writing to the applicant, said notice to be served personally or by registered mail to the applicant at the address shown in the licence application. Economic Development will hold the review hearing at the time and date set out in the notice. The applicant shall be given at least seven (7) days notice of the hearing.
- 9.4 The applicant may be represented at the review hearing by counsel and the applicant or counsel will have the right to adduce evidence, submit argument in support of the application for licence, answer any objections that may arise, and cross examine any witnesses adverse in interest to the application.
- 9.5 Economic Development at the review hearing is entitled to adduce evidence and the Director is entitled to submit arguments in reply to evidence and argument on behalf of the applicant.
- 9.6 At the review hearing, the onus will be upon the applicant to show cause why the applicant should be granted the licence applied for.
- 9.7 Economic Development will give its decision in writing to the Director within seven (7) days of the date of the completion of the review hearing.
- 9.8 The Director will forthwith notify the applicant of such decision by serving a copy personally or by registered mail to the applicant at the address shown in the licence application.
- 9.9 If the applicant signifies at the review hearing that the applicant is prepared to accept conditions upon the licence and will make no objection to such conditions, Economic Development may render a decision granting the applicant the licence applied for upon such conditions as it considers appropriate and as are authorized by law.

- 9.10 All review hearings will be public hearings unless the applicant requests that the hearing be held in camera.
- 9.11 The decision of Economic Development will be final and binding.
- 9.12 If Economic Development renders a decision granting the applicant the licence applied for, the licence will be issued upon the applicant complying with section 4 of this By-law and the applicant shall within fifteen (15) days of the service of a copy of the decision, complete the application.

10 **Director**

10.1 The Council will by Council Resolution:

- (a) appoint three Councillors to Economic Development, who will receive applications, issue licences and carry out the business licensing administrative functions under this By-law including the enforcement thereof; and
- (b) appoint the Director who will receive applications, issue licences and carry out the licensing administrative functions.

11 **Duties of the Director**

11.1 The Director will:

- (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;
- (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 required by section 8.2 of this By-law Economic Development or by the Little Red River Cree Nation, relative to an application;
- (e) at Council's request or in response to Council's receipt of a complaint, or at least once a year and with the consent of the licensee, make inquiries

and inspection of premises to determine whether every holder of a licence issued under this By-law complies in every respect with the licence issued and the By-laws of the Council, and no person who has or is required to have a licence under this By-law shall obstruct or hinder the making of the inspection aforesaid, or cause or permit the same to be hindered or obstructed;

- (f) report in writing to the Council every two months, or as otherwise requested by the Council, stating the number of licences issued, the type of business conducted under each licence, the duration of each licence, and the fees 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; and
- (g) perform such other duties as may be requested by Economic Development from time to time.

## 12 Revocation or Suspension of Licence

12.1 The Council may, by Council Resolution, after giving notice and holding a hearing, (i) suspend for a period not exceeding ninety days or (ii) 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; or
- (b) has been convicted of an offence under the Criminal Code (Canada), 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; or
- (c) has conducted the business in a manner that is detrimental to the health, welfare and safety of inhabitants in the Communities; or
- (d) 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.

12.2 The licensee shall be given at least seven days' written notice of the hearing referred to in section 12.1 of this By-law by Economic Development, served personally or by registered mail to the applicant at the address shown in the licence application. The licensee will have the right to be represented by counsel at the hearing and may adduce evidence and may submit argument in support of the licence and may cross examine any witnesses adverse in interest to the licensee and in the event that a licence is revoked or suspended, the Council will, at the request of the applicant, deliver written reasons for its decision.

- 12.3 The notice and opportunity to be heard referred to in section 12.2 of this By-law is not required in respect of a licensee who by reasonable efforts of the Council and Economic Development, cannot be found.
- 12.4 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 new licensed businesses other than the one carried on by the former licensee is started in the premises.
- 12.5 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.

13 **Conflict of Interest**

- 13.1 For the purpose of this section a potential conflict of interest means the councillor:
- (a) is an applicant;
  - (b) is a director or officer of any applicant;
  - (c) is an immediate family member of an applicant including spouse, father, mother, son or daughter of the applicant;
  - (d) is a member of the applicant's household; or
  - (e) has a material interest in the proposed licence.
- 13.2 Any of the three Councillors appointed to Economic Development must declare any potential conflict of interest he or she may have with respect to an applicant's application for a licence under section 8 of this By-law, and notice of the said conflict shall be served upon Council. Upon receiving the said notice the Council shall appoint an alternate Councillor to Economic Development in place of the Councillor with the potential conflict. Such replacement Councillor shall be appointed for the purposes of acting as a Councillor of Economic Development only in relation to the application for which there is a potential conflict of interest. The replacement Councillor shall be bound by the terms of this By-law. The applicant shall have the same rights of appeal contained in section 9 of this By-law.

13.3 The Chief and each Councillor must declare any potential conflict of interest and withdraw from any review hearing, held under the provisions of section 9 of this By-law, where a conflict of interest may arise.

14 **Severability**

If any of portion of this By-law is 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 the By-law, and the remainder of the By-law shall continue to have full force and effect.

**Form 1**

**Business Licence**

\_\_\_\_\_ is hereby authorized to conduct a business, calling, trade  
(Name of Licensee)

and occupation in the following \_\_\_\_\_ in the Community of  
(Commercial Activity)

\_\_\_\_\_ for the period commencing \_\_\_\_\_,

199\_\_\_\_, and expiring \_\_\_\_\_, 199 \_\_\_\_.  
(Date)

\_\_\_\_\_  
(Name of Business)

\_\_\_\_\_  
(Location of Business Premises)

\_\_\_\_\_  
(Signature of Director)

\_\_\_\_\_  
(Licensee)

\_\_\_\_\_  
(Date)

**Form 2**

**Business Licence Application**

1. Applicant's Name: \_\_\_\_\_
2. Permanent Address of Applicant: \_\_\_\_\_
3. Phone Number:                      Home: \_\_\_\_\_                      Office: \_\_\_\_\_
4. Fax Number:                              Home: \_\_\_\_\_                      Office: \_\_\_\_\_
5. Business Name: \_\_\_\_\_
6. Type of Business: \_\_\_\_\_
7. Period for which Licence is Required: (Give exact dates) \_\_\_\_\_
8. Type(s) of business activity(ies) to be conducted on the Communities:  
\_\_\_\_\_
9. Location(s) where business activity(ies) are to be conducted on the Communities:  
\_\_\_\_\_
10. Are you presently registered with the federal or provincial government or professional association with respect to the conduct of your business calling, trade or occupation?  
Yes \_\_\_\_\_ No \_\_\_\_\_ (If yes, applicant must provide proof and give details below).
11. 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).
12. Is the business incorporated or administered by a partnership? Yes \_\_\_\_\_ No \_\_\_\_\_  
(If yes, applicant must provide details below).

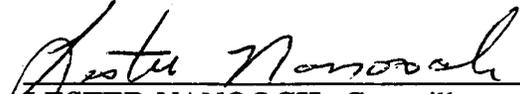
Date of Application: \_\_\_\_\_

Applicant's signature: \_\_\_\_\_

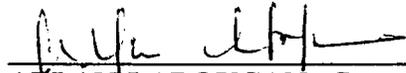
THIS BY-LAW IS HEREBY made at a duly convened meeting of the Councillors of the Little Red River Cree Nation this 11<sup>th</sup> day of December, 1997.

Voting in favour of the By-Law are the following members of the Council:

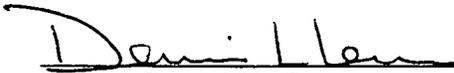
  
LORNE BLESSE, Councillor

  
LESTER NANOOCHE, Councillor

  
IRA AUGER, Councillor

  
ALLAN LABOUCAN, Councillor

  
ERNEST ST. ARNAULT, Councillor

  
DENNIS LABOUCAN, Councillor

  
FLOYD NOSKIYE, Councillor

\_\_\_\_\_  
LARONE NANOOCHE, Councillor

\_\_\_\_\_  
ADOLPHUS LABOUCAN, Councillor

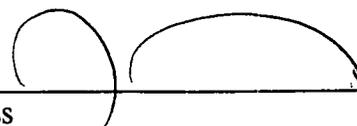
\_\_\_\_\_  
SOLOMON ST. ARNAULT, Councillor

  
JOHNSEN SEWEPAGAHAM, Chief

being the majority of those members of the Council of the Little Red River Cree Nation present.

The quorum of the Council \_\_\_\_\_ ( ) members.

Number of members of the Council present at the meeting: \_\_\_\_\_.

  
Witness

  
CHIEF JOHNSEN SEWEPAGAHAM