#### CERTIFICATE

I, Dwain Daniel, do hereby certify as Superintendent of Lands and Trust Services, pursuant to Section 86 of the Indian Act, R.S., C.1-6, that the attached copy marked "CERTIFIED TRUE COPY" is the true copy of the original by-law No. 03, duly made on the 3<sup>rd</sup> day of May 2004 by the Council of the Flying Dust First Nation, being a by-law in respect to First Nation Licensing of businesses, callings, trades and occupations at the Flying Dust First Nation's Indian Reserves.

Superintendent

Lands and Trust Services North Central District 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 Flying Dust First Nation, in the Province of Saskatchewan, at a meeting held on the 4th day of November 2003.

 Flying Dust First Nation Business Licensing By-law

Dated at Ottawa, Ontario this 3rd day of May

2004.

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Supervision and Date

#### FLYING DUST FIRST NATION

#### **BUSINESS LICENSING BY-LAW**

# BY-LAW NO. \_\_\_\_ 2003

# Respecting the licensing of businesses, callings, trades and occupations on the Flying Dust First Nation Reserve

#### Index

Appeal	5
Conflict of Interest	8
Definitions	
Duties of License Inspector	7
Enforcement	
Fees	4
Issuance of License	4
Licenses	
License Application	3
License Inspector	6
Penalty	8
Preamble	
Refund	4
Requirements for License	2
Revocation or Suspension of License	. <i></i> .7
Short Title	

#### **Forms**

- 1. Business License
- 2. Business License Application
- 3. Notice of License Refusal
- 4. Request for Review Hearing
- 5. Notice of Review Hearing
- 6. Notice of Hearing

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WHEREAS the Council of Flying Dust First Nation desires to make a by-law for the licensing of businesses, callings, trades and occupations on Reserve lands;

AND WHEREAS the Council of Flying Dust First Nation, pursuant to paragraphs 83(1)(a.1), (e), (e.1) and (g) of the *Indian Act*, may, subject to the approval of the Minister of Indian Affairs and Northern Development, make by-laws for the licensing of businesses, callings, trades and occupations and with respect to 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 the Council of Flying Dust First Nation deems that it is necessary, for the orderly conduct and administration of businesses, and for the health, welfare, safety and environment of the inhabitants on the Flying Dust First Nation Reserve lands to license businesses, callings, trades and occupations;

NOW THEREFORE the Council of Flying Dust First Nation hereby enacts the following bylaw:

#### 1.0 SHORT TITLE

1.1 This by-law may be cited as the Flying Dust First Nation Business Licensing By-law No. 1, 2003.

#### 2.0 DEFINITIONS

#### 2.1 In this by-law:

- (a) "Flying Dust First Nation" or "Flying Dust First Nation Band", as the case may be, means a band as defined in Section 2 of the *Indian Act*;
- (b) "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 purposes of gain, benefit, advantage, livelihood or profit, or in which the licensee or person(s) show(s) willingness to invest time or capital, or both time and capital, on future outcome;
- (c) "Calling" means a business or profession as defined in this by-law,
- (d) "Council" means the Chief and Council of Flying Dust First Nation;
- (e) "Councillor" means the Councillor(s) of Flying Dust First Nation;
- (f) "License" means a license issued under this by-law;

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- (g) "Licensee" means a person to whom a license is issued under this by-law;
- (h) "License Inspector" means a person(s) appointed under Section 10.0 of this bylaw;
- (i) "Member" means a member of Flying Dust First Nation;
- (j) "Occupation" means a business or profession as defined in this by-law;
- (k) "Person" includes not only an individual, but also a partnership, syndicate, joint venture, association, corporation or the agent or trustee of a person;
- (l) "Profession" means a vocation, occupation or calling requiring special, usually advanced, education and skill, and as defined in this by-law;
- (m) "Reserve" means the Reserve(s) set apart for the use and benefit of Flying Dust First Nation;
- (n) "Trade" means a business as defined in Section 2.1 of this by-law.

## 3.0 REQUIREMENTS FOR LICENSE

- 3.1 Every Person conducting or carrying on a Business in the Reserve(s) must hold a valid License issued under this by-law.
- 3.2 Any Person carrying on more than one Business in the Reserve(s) 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 License granted under this by-law is valid and permits the Licensee to carry on the Business in a lawful manner.
- 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 an area of the premises to which the public has access or in an area designated by the License Inspector.
- 3.5 The Licensee must notify the License Inspector of any change in:
  - (a) the mailing or business address;
  - (b) the type of business;
  - (c) the area of premises; and
  - (d) any substantial physical alteration to the premises in which the Business is conducted.

Upon the closing of the Business, the Licensee will surrender the License to the License Inspector.

#### 4.0 LICENSE APPLICATION

- 4.1 Every Person who wishes to conduct a Business on the Reserve must apply in writing in Form 2 to the License Inspector, and must disclose all information required on this application form
- 4.2 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 qualification 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 In the event of a transfer of the Business for which a License has been issued, the License Inspector will permit the transfer of the License from one premise to another, provided:
  - (a) the Licensee has completed an application in Form 2; and
  - (b) the Licensee has paid the fee under Section 6.2 of this by-law; and
  - (c) the proposed Business premises comply with the terms of this by-law.
- 4.5 In the event of a sale of the Business for which a License has been issued, the License Inspector will permit an assignment of the License to the purchaser of the Business, provided:
  - (a) the proposed assignee has completed an application in Form 2; and
  - (b) the proposed assignee has paid the fee under Section 6.3 of this by-law; and
  - (c) the proposed assignee meets the provisions of this by-law to carry on the Business for which the License was issued.

#### 5.0 LICENSES

- 5.1 A License is granted for a one (I) year period commencing April 1 and expiring March 31 in each calendar year. Licenses must be renewed by completing Form 2 by March 31 of each calendar year or the License will have expired and be suspended. Licenses may be renewed and reinstated from suspension for non-timely renewal in accordance with Sections 6.1 and 6.6 of this by-law.
- 5.2 A License will specify the time period, type and location on the Reserve of the Business the Licensee is permitted to conduct.
- 5.3 A License will be issued in Form 1.

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#### 6.0 FEES

- 6.1 The fees to be paid pursuant to this by-law shall be as established by the License Inspector and posted in the business office of Flying Dust First Nation. They shall be reviewed annually.
- 6.2 The fees prescribed in this by-law will be reduced by one-half where a License is issued after September 30 in a calendar year.
- 6.3 Where a Licensee has not renewed the License on or before the expiry date as set (a) out in Section 5.1 of this by-law, the License will be suspended and the Licensee has 15 days after the date of expiry to renew the License and have the License reinstated by completing the application in Form 2 and paying the License fee set out in Section 6.1 of this by-law and any added fee as determined by the License Inspector and as posted with the fee schedule set out in Section 6.1 of this by-law;
- (b) Where a suspended Licensee has not renewed the License within the fifteen days after the expiry date as set out in Section 6.6(a) of this by-law, the suspended Licensee has another 75 days to renew the License and have the License reinstated by completing application in Form 2, paying the License fee set out in Section 6.1 of this by-law and the added fees as per the posted fee schedule. The License will be revoked if not renewed at the end of this time.

#### 7.0 REFUND

7.1 No License fee paid pursuant to this by-law will be refunded.

#### 8.0 - ISSUANCE OF LICENSE

- 8.1 Upon a Business License applicant meeting the provisions for License issuance under Section 8.2 of this by-law, a Business License will be issued to the applicant.
- 8.2 The License Inspector will, upon receiving an application for a Business License, promptly issue by delivering or mailing a License to the Licensee at the address shown in the License application provided:
  - the License Inspector is satisfied that the applicant's Business complies with all (a) provisions in any of the Flying Dust First Nation by-law(s); and
  - (b) the application complies with this by-law; and
  - (c) the applicant has disclosed all required information in the application form and the License Inspector is satisfied under Sections 11.1(c) and (d) of this by-law; and

- (d) the applicant has not, within the preceding years, been convicted of an offence under the *Criminal Code* (Canada), relating to the conduct of this Business whether on or off the Reserve, for which the applicant has not been pardoned; and
- (e) the applicant's Business would not be detrimental to the health, welfare, safety and environment of inhabitants on the Reserve; and
- (f) the License Inspector's investigations do not disclose any reason to believe 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; and
- (g) the required fee for the License has been paid.
- 8.3 Every 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.
- 8.4 If the applicant or Licensee fails to comply with the requirements of this by-law or the License Inspector is not satisfied with information received from the applicant or Licensee under Section 8.2 or this by-law, the License Inspector will forthwith serve the applicant notice in Form 3 of the refusal to issue the License and said notice will be served personally or by registered mail to the applicant at the address shown in the License application.

#### 9.0 APPEAL

- 9.1 Within thirty (30) days of service of the notice under Section 8.4 of this by-law, the applicant or Licensee may apply for a review by Council by completing and filing Form 4, and paying the fee as referred to in Section 6.4 of this by-law, with the License Inspector.
- 9.2 The License Inspector, upon receipt of Form 4 and the fee referred to in Section 6.4 of this by-law, will forthwith transmit to Council and applicant:
  - (a) a copy of the original License application as completed by the applicant and copies of any supporting documentation accompanying the License application;
  - (b) a copy of the applicant's completed Form 4; and
  - (c) a copy of the License Inspector's refusal and reasons for refusal.
- 9.3 Upon receipt of the material described in Section 9.2 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 not more than forty-five (45) days and will advise the License Inspector of its decision. The License Inspector will forthwith serve notice of the decision in Form 5 on the applicant by personal service or by registered mail at the address shown in the License application. Council will hold the review hearing at the time and date set out in Form 5. The applicant shall be given at least seven (7) days' notice of the hearing.

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- 9.4 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 License, answer any objections that may arise, and examine or cross examine witnesses.
- 9.5 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.
- 9.6 At the review hearing, the onus will be upon the applicant to show just cause why the License applied for should be granted.
- 9.7 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.
- 9.8 The License Inspector will forthwith notify the applicant of the decision referred to in Section 9.7 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 in the applicant's License application.
- 9.9 If the applicant agrees at the review hearing to accept conditions upon the License, Council may render a decision granting the applicant the License applied for upon such conditions as it considers fair and appropriate and authorized by law.
- 9.10 All review hearings will be held in camera unless the applicant requests that the hearing be open to the public and Council must approve the request by a Band Council Resolution. 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.
- 9.11 If Council renders a decision granting the applicant the License applied for, the License will be issued upon the applicant complying with this by-law.

#### 10.0 LICENSE INSPECTOR

- 10.1 Council will, by Band Council Resolution:
  - (a) appoint a License Inspector, and such other officers as may be necessary, to receive applications, appeals, issue Licenses and carry out the business licensing administrative functions under this by-law, including enforcement;
  - (b) provide for reasonable remuneration to be paid to the License Inspector, and other appointed officers;
  - (c) appoint the License Inspector for a fixed term of not less than three (3) years after which reappointment shall be reviewed by Council and the License Inspector;
  - (d) may dismiss the License Inspector from the appointed position for failure to carry out duties as described in this by-law, or for having been convicted of an employment related offense under the *Criminal Code* (Canada), or for contravening Flying Dust First Nation employment policies.

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#### 11.0 DUTIES OF LICENSE INSPECTOR

## 11.1 The License Inspector will:

- (a) receive and process all applications, appeals, renewals, transfers and assignments of Licenses to be issued under this by-law;
- (b) maintain a record of all applications and fees for Licenses and retain on file a copy of all Licenses 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 License is accurate;
- (d) make all investigations required by Section 8.2 of this by-law or by Flying Dust First Nation relative to an application;
- (e) 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), make inquiries and inspect premises to determine whether every holder of a License issued under this by-law complies with the License issued and the by-laws of the Council, and no Licensee shall obstruct or hinder the making or completing of the inspection.
- (f) report monthly in writing to the Band Administrator, or Band Manager, or the person appointed by Council from time to time to administer the affairs of the Band, stating the number of 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 Licenses 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 the Band Administrator, or Band Manager, or the person appointed by Council from time to time to administer the affairs of the Band.

#### 12.0 REVOCATION OR SUSPENSION OF LICENSE

- 12.1 Council will, by Band Council Resolution, and after giving notice in Form 6 and holding a hearing, (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:
  - (a) has failed to comply with this by-law; or
  - (b) is carrying on a Business that fails to comply with all provisions in any Flying Dust First Nation by-law(s); or

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- (c) within the preceding three years of License issuance and since License issuance, has been convicted of an offence under the *Criminal Code* (Canada) relating to the conduct of this Business, whether on or off Reserve, for which the Licensee has not been pardoned; or
- (d) has conducted the Business in a manner that is detrimental to the health, welfare, safety and environment of inhabitants in the Reserve; or
- (e) is contravening any applicable Federal, Provincial or First Nation laws concerning the Licensed Business or with respect to the premises named in the License; or
- (f) is 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).
- 12.2 Council will give the Licensee at least seven days' notice of the hearing referred to in Section 12.1 of this by-law in Form 6 and the License Inspector will serve Form 6 personally or by registered mail to the Licensee at the address shown in the License application, but if a Licensee who by 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 and an ex parte decision will be issued against the Licensee.
- 12.3 Provisions 9.4, 9.7 and 9.8 of this by-law also apply to the hearing referred to in Section 12.1 of this by-law.
- 12.4 The License Inspector will post the notice of suspension or revocation of a License by the Council upon the premises for which the License was issued and the notice must not be removed until the License is reinstated or the Licensee ceases to occupy the premises or a new business other than the one carried on by the former Licensee is licensed on the premises.

## 13.0 CONFLICT OF INTEREST

13.1 The Chief and each Councillor must declare any potential conflict of interest, and withdraw from any hearing held under Sections 9 and 12 of this by-law, where a conflict of interest may arise.

#### 14.0 PENALTY

14.1 Every person who contravenes Section 3.1 of this by-law is guilty of an offence and on summary conviction is liable to a fine not exceeding One Thousand (\$1,000.00) Dollars.

#### 15.0 ENFORCEMENT

15.1 The Council may charge a Licensee, whether 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, including solicitor/client costs.

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Flying Dust First Nation 8001 Flying Dust Reserve Meadow Lake, SK S9X 1T8 Telephone: (306) 236-4437

Fax: (306) 236-3373

## **BUSINESS LICENSE**

	is her	eby authorized to conduct a business, calling
trade or occupation as a		on Flying Dust Firs
Nation Reserve for a period commend	cing	, 20, and expiring
, 20		
(name of business)	·.	(location of business)
(name of business)	·.	(location of business)
(name of business) (signature of License Inspector)	·.	(location of business) (signature of Licensee)

This License is subject to terms and conditions of Flying Dust First Nation Business Licensing By-law and amendments thereto and any or all By-laws relating to the subject matter of Business License. If there are any changes in the nature of your Business, Trade, Occupation or Calling or any change occurs in the ownership or address, or the Business ceases to operate, you are required to notify the License Inspector in writing immediately.

NOT VALID UNLESS OFFICIALLY RECEIPTED

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS

LOCATION ON THE PREMISES

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(Sections 4.0, 5.0, 6.0)

	DATE:
	BUSINESS LICENSE APPLICATION
1.	Applicant's Name:
2.	Applicant's Date of Birth:
3.	Applicant's Address:
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 this First Nation? 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 $\square$ No $\square$ (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 $\square$ No $\square$ (If yes, applicant must provide proof and give details below).
16.	Is the business incorporated? Yes $\square$ No $\square$ Federal $\square$ Provincial $\square$ (If yes, applicant must provide details below).
17.	Is the business administered by a partnership or joint venture? Yes $\square$ No $\square$ (If yes, applicant must provide proof and give details below—registration)
18.	Have you, within the previous three years, been convicted of an offence under the Criminal Code (Canada) for which you have not been pardoned? Yes $\Box$ No $\Box$

NOTE: PLEASE READ SECTION 12 OF THIS BY-LAW WHICH OUTLINES THE CONDITIONS WHEREBY YOUR LICENSE COULD BE DENIED, REVOKED OR SUSPENDED.

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(Sections 8.0, 9.0)

## NOTICE OF LICENSE REFUSAL

TO:			
	name of applicant	,	<del></del>
	address of applicant		
RE:		/	
	location of business		
	pursuant to the Flying Dust First I ve, $\square$ renew, $\square$ transfer, $\square$ assign		
apply for a review by C	I that you have 30 days from the da Council by completing and filing Follow with the License Inspector.		
	ER NOTICE that, if you file a ou will be notified of the time and		, a hearing will be
DATED at	, Saskatchewan, this	day of	, 20
License Inspector name & s	ignature		

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# (Section 9.0)

# REQUEST FOR REVIEW HEARING

To: Council of Flying Dust Fi	rst Nation	,	
c/o License Inspector			
PURSUANT to the Flyir the decision as outlined on t	ing Dust First Nation Busines. The Notice of License Refund signed by the License Insp	usal, dated the	ereby appeal day of
□ is	sue; □ renew; □ transfer; □	assign;	
a Business License for the follow	ving business located at:		
(E	Description of the Business and Loc	ation)	
ON the following grounds:	٠,		
1.			
2.			
3.	-		
4	***		
DATED at	, Saskatchewan, this	day of	, 20
	,		
printed name of appellant	appellant's	signature	
address to which all notices to appellan	t are to be sent		

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Date

## (Section 9.3)

## NOTICE OF REVIEW HEARING

TO:						
	· · · · · · · · · · · · · · · · · · ·		name of appellant			
			address of appellant	<u> </u>	<del></del>	
RE:		-			,	
			location of business	<u> </u>		
Request relating	t For Review I to the above-no	Iearing dated the dearing dated the dearing dated the dearings.	ne day	of		ncil will hear your
	MAKE NOTICE m.) on the					
(a.m./p.	III.) OII tile	day or		, 20	_at the lonow	ang location.
	AKE FURTHE		t you should bri	ing to the	hearing all r	elevant documents
DATEI	D at		askatchewan, th	uis c	lay of	, 20,
License I	nspector signature	<del></del>	<del></del>			

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## (Section 12.0)

## NOTICE OF HEARING

TO:						
		name o	of licensee			
		address	of licensee			
RE:	License Suspens	ion for:		,	,	
	Licansa Daviocat	ion for	location	of business		
	License Revocat	ion ior	location	of business		
	JANT to the Flying a hearing relating to t				law, Council w	rill be
:	(i) why your b	usiness license sh	ould not be	suspended for	a period not exce	eding
	(ii) why your b	ousiness license sh	ould not be	revoked.		
AND T	AKE NOTICE that t day of	his hearing will be	e held at the the followin	hour of	(a.m./p.m.)	on the
	AKE FURTHER NO	OTICE that you s	hould bring	to the hearing	all relevant docu	ments
DATE	D at	, Saskatchew	an, this	day of	, 2	.0
License 1	nspector signature					
P-\DarroAFDF1	ARdawa Rusiness Licensian dan					

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