## 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 Chippewas of Mnjikaning (Rama) First Nation, in the Province of Ontario, at a meeting held on the 21st day of September 1995.

The Chippewas of Mnjikaning (Rama) First Nation By-law No. 95-23 (Business Licensing By-law)

Dated at Ottawa, Ontario this 30th day of November,

1995.

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Province of Ontario, for Government of Cana

# The Chippewas of Mnjikaning (Rama) First Nation

# **BY-LAW No. 95-23**

Respecting the licensing of businesses, callings, trades and occupations in the Chippewas of Mnjikaning (Rama) First Nation Reserve(s)

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> > Province of Ontario, for Government of Canada. Expires October 24, 1998.

**September 21, 1995** 

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Chippewas of Mnjikaning (Rama) First Nation

EYNN LUINSE AS THE WELL, a Community of Canada.

Province of Ontario, for Government of Canada.

Expires October 24, 1998.

### BY-LAW No. 95-23

### Respecting the licensing of businesses, callings, trades and occupations in the Chippewas of Mnjikaning (Rama) First Nation Reserve(s)

### INDEX

E
9
3
3
1
4
7
8
6
5
1
3
3
7
4
2
3
5
6
8
9
0
1

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LYNN LOUISE ASHKEWE, a Commissioner, etc.,

Province of Ontario, for Government of Canada.

Expires October 24, 1998.

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## Chippewas of Mnjikaning (Rama) First Nation BY-LAW No. 95-23

Respecting the licensing of businesses, callings trades and occupations in the Chippewas of Mnjikaning (Rama) Nation.

WHEREAS the Council of the Chippewas of Mnjikaning (Rama) First Nation desires to make a by-law for the licensing of businesses, callings, trades and occupations in the reserve (s);

AND WHEREAS the Council of the Chippewas of Mnjikaning (Rama) 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 the Chippewas of Mnjikaning (Rama) First Nation deems that for the orderly conduct and administration of businesses, and for the health, welfare, safety and environment of the inhabitants in the Chippewas of Mnjikaning (Rama) First Nation Reserve (s) No. 32 to license businesses, callings, trades and occupations;

NOW THEREFORE the Council of the Chippewas of Mnjikaning (Rama) First Nation, also known as the Indian Band, hereby enacts the following by-law:

#### SHORT TITLE

This by-law may be cited as the "Chippewas of Mnjikaning (Rama) First Nation Business Licensing By-law".

#### **DEFINITIONS**

2.1 In this by-law:

Definitions, "Chippewas of Rama" or "Chippewas of Mnjikaning (Rama) First Nation" or "Rama Interpret-Indian Band", as the case may be, means a band, as defined in section 2 of the Indian Act.

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Province of Ontario, for Government of Canada.

Expires October 24, 1998.

"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 and capital on future outcome.

"Calling" means a business or profession as defined in this by-law.

"Council" means the Chief and Council of the Chippewas of Mnjikaning (Rama) First Nation.

"Councillor" means the Councillor(s) of the Chippewas of Mnjikaning (Rama) First Nation.

"License" means a license issued under this by-law.

"Licensee" means a person to whom a license is issued under this by-law.

"License Inspector" means a person(s) appointed under section 10.0 of this by-law.

"Member" means a member of the Chippewas of Mnjikaning (Rama) First Nation.

"Occupation" means a business or profession as defined in this by-law.

"Person" includes not only an individual, but also a partnership, syndicate, association, corporation or the agent or trustee of a person.

"Profession" means a vocation, occupation or calling requiring special, usually advanced, education and skill., and as defined in this by-law.

"Reserve" means the Reserve(s) set apart for the use and benefit of the Chippewas of Mnjikaning (Rama) First Nation.

"Trade" means a business as defined in sub-section 2.1(b) of this by-law.

#### 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.

Provision



- 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.
- Every license granted under this by-law is valid and permits the licensee to carry on the business in a lawful manner.
- 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.
- The licensee must notify the License Inspector of any change in: the mailing or business address; the type of business; the area of the premises; and, 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.

#### LICENSE APPLICATION

- 4.1 Every person who wishes to conduct a business in the reserve must apply in writing in Form 2 to the License Inspector, and must disclose all information required on this application form.
- Every person applying for a license under this by-law to operate a business that is governed or requires registration by any federal 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 Form 2.
- 4.3 Where the applicant is a corporation or a partnership, proof of incorporation or Incorporation partnership must be provided with the completed Form 2.
- 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
- the proposed business premises comply with the terms of this by-law. (c)
- 4.5 In the event of a sale of the business for which a license has been issued, the Assignment 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.

#### **LICENSES**

- 5.1 A license is granted for a one (1) year period commencing January 1 and expiring December 31 in each calendar year. Licenses must be renewed by completing Form 2 by Duration December 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 of the business the licensee is permitted to conduct. Details
- 5.3 A license is valid throughout the reserve.
- 5.4 A license will be issued in Form 1.

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#### **FEES**

- The fee payable for a business license, including license renewal, forty-five (\$45) dollars per calendar year.
- Transfer of a business license, pursuant to section 4.4 of this by-law, is forty dollars (\$40).
- 6.3 The fee payable for filing a Business License Application in Form 2 for the assignment of a business license, pursuant to section 4.5 of this by-law, is forty dollars (\$40).
- The fee payable for filing a Request For Review Hearing in Form 4 pursuant to section 9 of this by-law is forty dollars (\$40) plus the applicable annual, renewal, transfer or assignment fee.
- The fees prescribed in this by-law will be reduced by one-half where a license is issued after July 31 in a calendar year.
- Where a licensee has not renewed the license on or before the expiry date as set 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 application in Form 2 and will pay the license fee set out in section 6.1 of this by-law and an added fee of twenty-five dollars (\$25).
- 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 and will pay the license fee set out in section 6.1 of this by-law and an added fee of one hundred dollars (\$100). The license will be revoked if not renewed at the end of this time.

#### REFUND

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

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LYNN COUISE ASTREWE, a Commission of Province of Ontario, for Government of Canada. Expires October 24, 1998.

#### 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. Permitted
- 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 Issuance application provided:
- the application complies with this by-law; and Compliance (a)
- (b) the License Inspector is satisfied that the applicant's business complies with all All By-law provisions in any of the other Chippewas of Mnjikaning (Rama) First Nation by-Compliance law(s); and
- (c) the applicant has disclosed all required information in the application form and the Disclosure License Inspector is satisfied under sections 11.1(c) and (d) of this by-law; and
- (d) the applicant has not, within the preceding three years, been convicted of an Crimina offence under the Criminal Code (Canada), relating to the conduct of this business Code 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 Safety
- (f) the License Inspector's investigations do not disclose any reason to believe Investigathat 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) Fee 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.

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If the applicant or licensee fails to comply with or the License Inspector is not satisfied with information received from the applicant or licensee under section 8.2 of 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.

#### APPEAL

- 9.1 Within thirty days (30) 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, and submitting these to the License Inspector.
- 9.2 The License Inspector, upon receipt of Form 4 and the fee referred to in section 6.4 of Procedure 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.
- 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 no more that 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.
- 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.

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- 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. Defense
- 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. Onus
- 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. Decision
- 9.8 The License Inspector will forthwith notify the applicant of the decision referred to in Notification, 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 Public 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.
- If Council renders a decision granting the applicant the license applied for, the license 9.11 will be issued upon the applicant complying with this by-law. Approval

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> LYNN LOUISE ASHKEWE. a Comm Province of Ontario, for Government of Canada.

## LICENSE INSPECTOR

## 10.1 Council, by band council resolution:

- will appoint a License Inspector, and such other officers as may be necessary, who will receive applications, appeals, issue licenses and carry out the business licensing administrative functions under this by-law including enforcement;
- will provide for reasonable remuneration to be paid to the License Inspector, and other appointed officers;
- will appoint the License Inspector for a fixed term of not less than one (1) year after which reappointment shall be discussed by both parties; and
- may dismiss the License Inspector from the appointed position, for failure to carryout duties as described in this by-law, or, for having been convicted of an employment related offense under the <u>Criminal Code</u> (Canada), or, for contravening the Chippewas of Mnjikaning (Rama) First Nation's Conflict of Interest guidelines.

#### **DUTIES OF LICENSE INSPECTOR**

## 11.1 The License Inspector will:

- receive and process all applications, appeals, renewals, transfers and assignments of licenses to be issued under this by-law;
- maintain a record of all applications and fees for licenses and retain on file a copy of all licenses issued, together with their particulars;
- ascertain, as far as reasonably practicable, that all information furnished by the applicant in connection with an application for a license is accurate;
- make all investigations required by section 8.2 of this by-law or by the Chippewas of Mnjikaning (Rama) First Nation, relative to an application;

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- 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.
- 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
- other (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.

### REVOCATION OR SUSPENSION OF LICENSE

- 12.1 Council will, by band council resolution, and after giving notice in Form 6 and holding conditions 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 of the other Chippewas of Mnjikaning (Rama) First Nation by-law(s); or
  - (c) within the preceding three years of license issuance and since license issuance, has been convicted of an offence under the <u>Criminal Code</u> (Canada), relating to the conduct of this business whether on or off the reserve, for which the licensee has not been pardoned,;
  - (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 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 license; or

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Expires October 24, 1998.

- **(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 Notice, personally or by registered mail to the licensee at the address shown in the license Form 6 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.
- Provisions 9.4, 9.7 and 9.8 of this by-law also apply to the hearing referred to in section 12.3 12.1 of this by-law. Hearing, Appeal
- The License Inspector will post the notice of suspension or revocation of a license by 12.4 the Council upon the premises for which the license was issued and the notice must not be Posting 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.

#### CONFLICT OF INTEREST

The Chief and each Councillor must declare any potential conflict of interest, in accordance with the Chippewas of Mnjikaning (Rama) First Nation's Conflict of Interest guidelines, and withdraw from any hearing, held under sections 9 and 12 of this by-law, where a conflict of interest may arise.

#### **PENALTY**

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

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> > Province of Ontario, for Government of Canada. Expires October 24, 1998.

### **ENFORCEMENT**

The Council may charge a licensee, whether expired, revoked or suspended, with all collection reasonable costs which are incurred in the collection of all fees, fines, interest, penalties or other costs imposed by this by-law.

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# FORM 1 (Section 5.0)

# **BUSINESS LICENSE**

(NAME OF LICENSEE) is hereby authorized to c	conduct a business, calling, trade or
occupation, operating as(COMMERCIAL ACTIVITY)	on the Chippewas of Mnjikaning (Rama)
First Nation Indian Reserve, at(LOT AND PLAN NUM	, for the period commencing
, 19, and expiring DATE	_, 19
(NAME OF BUSINESS) (LOCATI	ON OF BUSINESS)
(SIGNATURE OF LICENSE INSPECTOR) (SIGNA	TURE OF LICENSEE)

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16

# FORM 2 (Sections 4.0, 5.0, 6.0)

LYNN LOUISE ASHKEWE, a Commissioner, etc., Province of Ontario, for Government of Canada. Expires October 24, 1998.

	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.	MailingAddress:  (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 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).
(con't	on next page)

(con't	from previous page)
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
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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LYNN LOUISE ASHKEWE, a Commissioner, etc., Province of Ontario, for Government of Canada. Expires October 24, 1998.

# FORM 3 (Sections 8.0, 9.0)

# NOTICE OF LICENSE REFUSAL

TO:	
	NAME OF APPLICANT
	ADDRESS OF APPLICANT
RE:	
	LOCATION OF BUSINESS
Business Licen	NOTICE that pursuant to the Chippewas of Mnjikaning (Rama) First Nation sing By-law your application to: receive, renew, transfer, assign; LICENSE is refused.
may apply for a	ke NOTICE that you have 30 days from the date of this NOTICE within which you a review by Council by completing and filing Form 4 of the said by-law and paying at to this by-law with the License Inspector.
AND ta for which you	ke further NOTICE that if you file a request for review a hearing will be conducted will be notified of the time and place to attend.
Dated at	this day of, 19
LICENSE INSPECTO	CERTIFIED TRUE COPY  OF CHIGINAL  LYNN LODISE ASSISTENCE, a Commissione etc.,  Province of Ontario, for Government of Canada.  Expires October 24, 1998.

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19

FORM 4 (Section 9.0)

LYNN LOUISE ASHKEWE, a Commissioner etc., Province of Ontario, for Government of Canada. Expires October 24, 1998.

# REQUEST FOR REVIEW HEARING

TO: Council of	of the Chippe	was of Mnjikani	ng (Rama) First Nation	n
c/o	CENSE INSPECT	TOR		
the day of	peal the deci	ision as outlined	on the NOTICE OF Land by the License Inspec	tion Business Licensing By-ICENSE REFUSAL, dated ector to refuse to:
a BUSINESS LIC		<del></del>		
	(Des	scription of the	Business and Location	<b>n</b> )
ON the fo	llowing gro	unds:		
1.				
2.				
3.				
4.				
Dated at	this	day of	, 19	
PRINTED NAME OF A		·	APPELLANT'S SIGNAT	URE
ADDRESS TO WHICH	ALL NOTICES T	O APPELLANT ARE	O BE SENT	

# FORM 5 (Section 9.3)

## NOTICE OF REVIEW HEARING

TO:	
	NAME OF APPELLANT
	ADDRESS OF APPELLANT
RE:	
	LOCATION OF BUSINESS
law, Counci	RSUANT to the Chippewas of Mnjikaning (Rama) First Nation Business Licensing By il will hear your Request For Review Hearing dated the day of g to the above-noted business.
ANI on the	Otake NOTICE that this Review Hearing will be held at the hour of (a.m./p.m.) day of, 19 at the following location:
ANI pertaining to	take further NOTICE that you should bring to the hearing all relevant documents of this matter.
Dated at	this day of, 19
LICENSE INSPE	CERTIFIED TRUE COPY OF ORIGINAL

LYNN LOUISE ASHKEWE, a Commissioner, etc.,
Province of Ontario, for Government of Canada.
Expires October 24, 1998.

# FORM 6 (Section 12.0)

# NOTICE OF HEARING

TO:	
	NAME OF LICENSEE
	ADDRESS OF LICENSEE
RE: _	License Suspension for:
	LOCATION OF BUSINESS
	_ License Revocation for:
	LOCATION OF BUSINESS
law, Co	PURSUANT to the Chippewas of Mnjikaning (Rama) First Nation Business Licensing Byouncil will be holding a hearing relating to the above-noted business regarding:  (i) why your business license should not be suspended for a period not executed.
	(i) why your business license should not be suspended for a period not exceeding ninety days; or,
	(ii) why your business license should not be revoked.
	ANDtake NOTICE that this hearing will be held at the hour of (a.m./p.m.) on the day of, 19_ at the following location:
pertaini	AND take further NOTICE that you should bring to the hearing all relevant documents ng to this matter.
Dated a	t this day of, 19
LICENCE	CERTIFIED TRUE COPY

LICENSE INSPECTOR SIGNATURE

LYNN LOUISE ASHKEWE, a Commissioner, etc., Province of Ontario, for Government of Canada. Expires October 24, 1998.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council this 21st day of September, 1995.

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

Lorraine McRae, Chief

, , , ,

Charles Snache, Councillor

Kenneth Snache, Chief Councillor

Arnold Ingersoll, Councillor

being the majority of those members of the Council of the Chippewas of Mnjikaning (Rama) present.

There are six (6) Council members and a Quorum of Council is four (4) members.

Number of members of the Council present at the meeting: four.

Witness

Chief Lorraine In Sac

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LYNN LOUISE ASHKEWE, a Commissioner, etc. Province of Ontario, for Government of Canada.