

Subject July 15, 1990

CERTIFIED TRUE COPY

BY LAW NO. 3

S. Alagan June 14/90.

By Motion of the Massett Band Council at a special meeting March 26, 1990, held at Old Massett, Haida Gwaii:

HEREBY RESOLVE to amend By Law No.3 dated June 25, 1954 to read as follows: to provide for the Regulation of Conduct and Activities of hawkers, peddlers or others who enter the Massett Indian Reserve, to buy or sell or otherwise deal in wares of merchandise and/or goods and services.

(a) No hawkers, peddlers or other person who enters the Reserve to buy, sell or otherwise deal in wares or merchandise who go from place to place or to other residences and buildings and locations on foot or with any animal or bicycle, motorcycle, automobile or other vehicle bearing or drawing goods, wares or merchandise and/or goods and services without permission in writing therefore of the Council of the Band or the Chief thereof.

(b) The fee payable for a permit shall be \$50.00 .

(c) Any person who violates any of the provisions of this By Law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding Five Hundred Dollars (\$500.00) or imprisonment for a term not exceeding seven days or both fine or imprisonment.

Michael Nicoll, Yahgulanaas,
Chief Councillor

P. Collison
Pansy Collison,
Deputy Chief Councillor

Helen Russ
Helen Russ, Councillor

Frank Collison
Frank Collison, Councillor

Archie Abrahams
Archie Abrahams, Councillor

Rosa Bell
Rosa Bell, Councillor

Elvis Davis
Elvis Davis, Councillor

Lily Bell
Lily Bell, Councillor

05-15-90/sa

Effective March 20, 1991

BY LAW NUMBER 3

A By Law to license and regulate the conduct of, and activities of
Hawkers and Peddlers.

PREAMBLE:

WHEREAS paragraph (n) and (r) of Section 81 and Section 83 of the
Indian Act R.S.C. 1985, 1-6 empower the Council of a band to make
by laws to regulate the conduct and activities of hawkers,
peddlers, or others; to license businesses, trades, callings and
occupations; and to impose a penalty for the violation thereof;

AND WHEREAS it is deemed to expedient for welfare of the
inhabitants of Massett IR#1 to license and regulate hawkers and
peddlers;

NOW THEREFORE the Council of the Massett Band of Indians #1 enacts
the following By Law:

1. In this By Law:

(a) "Council" means the Council as defined by the Indian Act, of
the Massett Band of Indians;

(b) "Hawker and Peddler" means and includes hawker, peddler, petty
chapman, transient trader, or other person who enters the reserve
and goes from place to place to buy, sell or otherwise deal in
wares or merchandise or services, or offers or exposes for sale to
any person by means of samples, patterns, cut blue prints or
pictures, merchandise to be afterwards delivered or shipped into
the reserve, but does not include a person who:

- (i) is a wholesaler or retailer in such merchandise
with a permanent place of business on the reserve;
- or
- (ii) is a member of the Massett Band

(c) "License" means a license where a permit is issued by the
Village Administrator to a person described in sub section (b) to
deal or otherwise on the reserve; and

(d) "Reserve" means the tract of land the legal title to which is
vested in Her Majesty that has been set apart by her Majesty for
the use and benefit of the Massett Band of Indians and known as the
Massett Indian Reserve #1.

(e) "Village Administrator" means a person who is appointed by the
Council to administer the day to day activities, policies, and
directives of the Council.

2. No person shall within the limits of the Maseett Indian Reserve #1, carry on or be engaged in the business of a hawk or pedler unless he has paid the prescribed fee and holds a valid and subsisting license issued pursuant to this By Law.

3. Every applicant for license shall, not less than seven (7) days prior to commencement of business, make an application, in writing, to the Village Administrator. Which application shall include the following information:

- (a) Services or goods offered for sale;
- (b) Prices and/or warranties affecting those goods or services; and
- (c) Full name and address of the applicant.

4. Every licensee shall:

- (a) Warrant and/or guarantee all goods and/or services;
- (b) Ensure that their goods and/or services meet all Canadian Standards legislation relevant to the goods and/or services offered; and
- (c) Comply fully with all pertinent Haida laws.

5. The Village Administrator shall make out and deliver to the licensee every license issued under this By Law.

6. The fee payable for a license issued under this By Law shall be Fifty Dollars (\$50.00).

7. Every license issued under this By Law shall be in effect:

- (a) For a period of one year; or
- (b) In the case of a job unit, such as a house wiring, for the single unit. In no case shall a blanket license be issued.

8. Every licensee under this By Law shall produce the license whenever requested to do so by the Village Administrator, a police officer or any other person authorized by the Council.

9. Every licensee under this By Law shall have and keep his license on his person while conducting business on reserve.

10. The Council, for cause, may be reelected, at any time revoke or suspend any license issued under this By Law.

11. No rebate or refund of any part of a license fee shall be made to any licensee by reason of forfeiture of a license or for any other reason.

12. No license issued under the authority of this By Law is transferable.

13. Any person who violates any of the provisions of this By Law is guilty of an offense and is liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment for a term not exceeding thirty (30) days or both.

14. Upon the coming into effect of this By Law, By Law Number 3, coming into force on June 20, 1991 and By Law Number 3 coming into force on July 15, 1990 shall be repealed.

APPROVED AND PASSED at a duly convened meeting of the Maskegon Village Council (Maskegon Band Council) this day of January, 1991.

Michael Nicol
Michael Nicol, Yahgahshah
Chief Councillor

Pamela Collier
Pamela Collier
Deputy Chief Councillor

Terese Russ, Councillor

Clayton Jones
Clayton Jones, Councillor

Archie Abraham
Archie Abraham, Councillor

Ross Bell
Ross Bell, Councillor

Elise Davis
Elise Davis, Councillor

Alfred Setso
Alfred Setso, Councillor

We, the Council of the Maskegon Indian Reserve #1, do hereby certify that a true and exact copy of the foregoing By Law #3 was mailed to the Minister of Indian Affairs pursuant to 52(1) of the Indian Act this 18th day of January, 1991.