

SOR/86-148
Dated Jan 20/86

THE LOUIS BULL BAND OF INDIANS #138b

BY-LAW 85-3

License and Regulate the Conduct of
Hawkers and Peddlers

PREAMBLE:

WHEREAS paragraph (n) and (r) of Section 81 and Section 83 of the Indian Act, R.S.C. 1970, c. I-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 be expedient for the welfare of the inhabitants of the Louis Bull Indian Reserve #138b to license and regulate hawkers and peddlers;

NOW THEREFORE the Council of the Louis Bull Band of Indians #138b enacts a by-law thereof the following:

1. In this by-law:
 - (a) "Council" means the Council of the Band, as defined in the Indian Act, of the Louis Bull Band of Indians #138b.
 - (b) "Hawker and peddler" means and includes hawker, peddler, petty chapman, transient trader or other persons 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, cuts, blueprints, 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 or business on the reserve;
 - (ii) is a member of the Louis Bull Band
 - (c) "Inspector" means the person appointed by Council pursuant to section 2 and
 - (d) "License" means a license where a permit issued by the inspector to a person described in sub-section (b) for which a fee is paid allowing that a person described in sub-section (b) to deal or otherwise on the reserve;
 - (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 Louis Bull Band of Indians and known as the Louis Bull Indian Reserve #138b.
2. The Council may, by Band Council Resolution, appoint an Inspector for the Reserve.
3. The Inspector shall:
 - (a) receive and deal with all applications for licenses to be issued under his authority pursuant to this or other licensing by-law;
 - (b) maintain a record of all applications for

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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 true in substance;
 - (d) as often as may be necessary make inquiries and inspections to determine whether every holder of, and applicant for, a license complies in every respect with the by-laws of the Council;
 - (e) report in writing to the Council bi-monthly, or as otherwise requested by the Council, stating the number of licenses issued and the amount of money received since the previous report, and including the total number of licenses issued and the total amount of monies received to date during the current year, together with a summary of the particulars of the licenses issued since the previous report; and
 - (f) perform such other duties as may be assigned by the Council
4. No person shall, within the limits of the Louis Bull Indian Reserve #138b, carry on or be engaged in the business of a hawker or peddler unless he has paid the prescribed fee and holds a valid and subsisting license issued pursuant to this by-law.
 5. Every applicant for a license shall make application to the Inspector on the form prescribed by the Council and shall truthfully disclose all information required of him.
 6. The Inspector shall make out and deliver to the licensee every license issued under this by-law.
 7. The fee payable for a license issued under this by-

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law shall be:

- a. \$50 dollars per day or any part thereof;
 - b. \$100 dollars per week;
 - c. \$1,000 dollars per year.
8. Every license as prescribed in section 7(c) under the authority of this by-law shall be for the calendar year, or part thereof, current at the time of issuing thereof and shall expire on the 31st day of December next succeeding the date of the license unless specifically issued to expire at an earlier date.
 9. Every person to whom a license is issued under this by-law shall produce the same whenever it may be demanded by the Inspector, a police officer or by any other person so authorized by resolution of the Council.
 10. Every person to whom a license is issued under this by-law shall have and keep such license on his person during the time that he is conducting business on the reserve.
 11. The Council, for cause, or without cause for that matter may by resolution at any time revoke or suspend any license issued under this by-law.
 12. No rebate or refund of any part of a license fee shall be made to any licensee by reason of the forfeiture of a license, or non-usage of the rights and privileges thereby granted, or for any other cause.
 13. No license issued under authority of this by-law is transferable.
 14. No person shall carry on or be engaged in the business of a hawker or peddler within the boundaries of the reserve between the hours of 9:00 o'clock in the afternoon noon and 8:30 o'clock in the forenoon on any day or on Sundays or holidays.

15. 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 hundred dollars or imprisonment for a term not exceeding thirty days, or both fine and imprisonment.
16. Amendments or repeal of this by-law shall require a simple majority of Council, at a meeting called for the specific purpose of amendment or repeal, such amendment shall be forwarded to the Minister of Indian Affairs and Northern Development for registration.
17. This by-law shall come into force on the date of final reading by Council.

Read and passed for first reading this 11th day
of DECEMBER A.D. 1985 .

Read and passed for second reading this 11th day
of DECEMBER A.D. 1985 .

Read and passed for third reading this 11th day
of DECEMBER A.D. 1985 .

(7)

Approved and passed at a duly convened meeting of the Louis Bull Band Council this 11th day of December A.D. 1985 .

We, the Council of the Louis Bull Indian Band #138b do hereby certify that a true and exact copy of the foregoing By-law 85-3 was mailed to the Minister of Indian Affairs pursuant to Section 82(1) of the Indian Act, this day of A.D. 198 .

LOUIS BULL COUNCIL

Samson Shreefangee

H. R.

L. P.

George Lovelace

Larry

Thomas

Received by:

Position:

of Alberta Region, Indian and Northern Affairs, Edmonton

Alberta. Dated: ~~11th~~ day of ~~December~~ A.D. 1985 .