

## THE HORSE LAKE FIRST NATION BAND OF INDIANS BY-LAW NO. 2

### Being a By-Law to License and Regulate the Conduct and Activities of Hawkers and Peddlers

WHEREAS paragraphs (n), (q) and (r) of section 81 of the *Indian Act* empowers the Council of The Horse Lake First Nation Band to make by-laws to regulate the conduct and activities of hawkers, peddlers, or others and with respect to any matter arising out of or ancillary thereto;

NOW THEREFORE the Council of the Horse Lake First Nation Band of Indians enacts as a By-Law thereof as follows:

#### 1. CITATION

1.1 This By-Law may be cited as the "Hawkers By-Law".

#### 2. DEFINITIONS

2.1 In this By-Law, unless the context otherwise requires, the term:

- (a) "Band" means The Horse Lake First Nation Band of Indians;
- (b) "By-Law Enforcement Officer" means the person or persons appointed, from time to time, by the Council pursuant to section 3.1;
- (c) "Council" means the Council as defined in the *Indian Act* of The Horse Lake First Nation Band of Indians;
- (d) "hawker" or "peddler" means and includes any hawker, peddler, 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 for sale to any person by means of which is on a subsequent date to be samples, patterns, cuts, blueprints or pictures, merchandise 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 Band and resident of the Reserve;
- (e) "License Fee" means the amount of \$100.00;
- (f) "Prescribed Fee" means the amount prescribed from time to time by Council in relation to the licensing of hawkers or peddlers as provided herein, which amount shall not exceed the cost of administering and enforcing this By-law.

- (g) "Reserve" means the tract of land the legal title to which is vested in Her Majesty the Queen in Right of Canada that has been set apart for the use and benefit of The Horse Lake First Nation Band of Indians and known as the Horse Lake First Nation Reserve No. 152B.

### **3. BY-LAW ENFORCEMENT OFFICERS**

3.1 The Council may by resolution appoint a By-Law Enforcement Officer for the implementation, administration and enforcement of this By-Law.

3.2 The manager of the Band shall occupy the position of By-Law Enforcement Officer:

- (a) during any period in which the office of By-Law Enforcement Officer is vacant;  
or
- (b) if the person or persons appointed by the Council is for any reason unable to fulfill his office, as determined by Council.

3.3 The By-Law Enforcement Officer shall:

- (a) receive, administer and otherwise deal with all applications for licenses to be issued under this By-Law;
- (b) maintain a record of all applications 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 true in substance;
- (d) make such enquiries and inspections, as often as may be necessary, to determine whether every holder of, and applicant for, a license complies in every respect with the By-Laws of the Band or 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 from time to time.

### **4. LICENSE REQUIREMENT**

4.1 No person shall carry on, or be engaged in, the business of a hawker or peddler within the Reserve unless he has paid the lesser of the License Fee and the Prescribed Fee, which fee shall be prorated in accordance with the term of the license as set forth in section 4.4, and holds a valid and subsisting license issued pursuant to this By-Law.


- 4.2 Every applicant for a license shall make application in writing to the By-Law Enforcement Officer in the form prescribed by the Council, and shall truthfully disclose all information required of him and shall pay to the By-Law Enforcement Officer the amount prescribed in section 4.1.
- 4.3 The By-Law Enforcement Officer shall make out and deliver to the licensee every license issued under this By-Law.
- 4.4 Every license issued under the authority of this By-Law shall be for the calendar year, or part thereof, current at the time of issuing such license and shall expire on the 31<sup>st</sup> day of December falling after the date of issuance, unless the license is specifically issued to expire at an earlier date.
- 4.5 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.
- 4.6 Every person to whom a license is issued under this By-Law shall produce the same whenever it may be demanded by the By-Law Enforcement Officer, a peace officer or by any other person so authorized by resolution of the Council.
- 4.7 The Council, for cause, may by resolution at any time revoke or suspend any license issued under this By-Law.
- 4.8 No rebate or refund of any part of a License Fee may be made to any licensee by reason of the revocation or suspension of a license pursuant to section 4.7, or on account of the non-usage of the rights and privileges thereby granted, or for any other cause.
- 4.9 No license issued under authority of this By-Law is transferable.
5. **HOURS OF OPERATION**
- 5.1 No person shall carry on or be engaged in the business of a hawker or peddler within the Reserve between the hours of 8:30 o'clock in the evening of one day and 9:00 o'clock in the morning on the next day, and at no time on Sundays or statutory holidays.

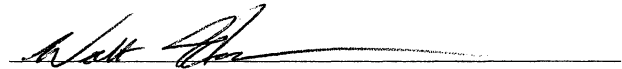
6. PENALTIES


6.1 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 one thousand dollars (\$1,000.00) or imprisonment for a term not exceeding thirty (30) days or both, in addition to any other remedy or penalty available under the *Indian Act*.


This By-Law was approved and passed by a majority of those members of the Council at a duly convened meeting of the Council of the Horse Lake First Nation Band of Indians this 19<sup>th</sup> day of June, 2007, and is approved and passed in substitution for any previous bylaw of the same name.

The quorum of the Council is 3 members. Number of members of the Council present at the meeting: 4.

  
Chief

  
Councillor

  
Councillor

  
Councillor

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Councillor