

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 Kamloops Indian Band, in the Province of British Columbia, at a meeting held on the 18th day of March 2002.

- **Kamloops Indian Band
Business License By-law
By-law No. 2001-04**

A handwritten signature in black ink, appearing to read "Robert M. Paul".

Dated at Ottawa, Ontario this *3rd* day of *June* 2002.

Canada¹³¹

APR 02 2002

KAMLOOPS INDIAN BAND
BUSINESS LICENSE BY-LAW
BY-LAW No. 2001-04

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KAMLOOPS INDIAN BAND

BUSINESS LICENSE BY-LAW

BY-LAW No. 2001-04

WHEREAS the Council of the Kamloops Indian Band desires to make a by-law for the licensing of businesses, callings, trades and occupations on the Reserve;

AND WHEREAS paragraphs 83(1)(a.1), and (g) of the *Indian Act*, empower the Kamloops Indian Band Council to make by-laws for the licensing of business, 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;

NOW THEREFORE the Council of the Kamloops Indian Band hereby revokes and repeals *By-law 1997-1* and all amendments thereto and enacts the following by-law.

SHORT TITLE

1. This By-law may be cited as the *Kamloops Indian Band Business Licensing By-law No. 2001-04*.

DEFINITIONS

2. In this By-law,

“Act” means the *Indian Act*, R.S.C. 1985,c.I-5;

“Application for Business License” means an application in the form of Schedule “B” to this by duly submitted to the License Inspector;

“Band” means the Kamloops Indian Band;

“Band member” means a person who is a member of the Band and is registered on the Band List as defined in the Act;

“Band official” includes the Council, members of Council, officials, officers and employees of the Band;

“building” means any structure used or intended for supporting or sheltering any use or occupant; includes retaining walls, moving buildings, and the placing of manufactured homes on land, including any construction in relation to them;

“business license” means the license granted and/or renewed pursuant to this By-law, in the form set out in Schedule “G”;

“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 the 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, but does not included an activity carried on by the Band;

“calling” means a business or profession as defined in the By-law;

“Council” means the Chief and Council of the Kamloops Indian Band;

“fees collectible” means the fees set out in Schedule “A” to this By-law as determined by Council from time to time;

“floor area” means that area within a building that is used for display purposes or to service

customers, but shall not include those areas set aside exclusively for the storage of supplies or for the use of the employees or participants of the business;

“lands” includes land covered by water;

“lease” means a lease of land within the Reserve made by or on behalf of Her Majesty the Queen, in Right of Canada, to a person; includes a sublease and an assignment of lease or sublease;

“License Inspector” means a person appointed from time to time by the Council for the purpose of enforcing and carrying out the provisions of this By-law and shall include any acting or assistant License Inspector;

“manufactured home” means a single family dwelling that is constructed to Canadian Standards Association Z240 or A277 standards, that is built in a factory environment and is occupied in a place other than that of its manufacture;

“occupation” means a business or profession as defined in this By-law;

“person” (a) in addition to its ordinary meaning shall mean and include a partnership, association, company, society, body corporate, and in the singular shall mean and include the feminine or converse, and

(b) persons engaged in the business shall mean and include the tenant, or proprietor, assistants and employees, including part-time and casual employees;

“premise” or “premises” shall include store, office, warehouse, factory building, enclosure, yard or any other place occupied, or capable of being occupied, by any person for the purpose of any business and shall also mean: (1) any area situated within any of the foregoing where more than one separate and/or distinct class or classification of business is also carried on; (2) any area within a residence or dwelling place in which a business is also carried on; or (3) any area within a residence or dwelling place;

“profession” means a vocation, occupation or calling requiring special, usually advanced, education and skill, and includes a business as defined in this By-law;

“Reserve” or “Reserves” means land located within the Band Reserve Numbers 1 to 5, any other Band Reserves or special Reserves (as defined under the Act) and any other land over which the Band has jurisdiction to pass by-laws or to manage land or development or both; includes designated land, land held under a Certificate of Possession and land held under subsection 28(2) permit as defined under the Act;

“tenant” means the holder of a lease.

REQUIRED LICENSE

3.(1) Every person who wishes to conduct business, including any of those businesses classified or whose purpose is enumerated, described, named or set forth in Schedule “A” of this By-law, on a Reserve, must hold a valid business license issued under this By-law.

(2) Any person carrying on more than one business on a Reserve 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) Every business license granted under this By-law is valid and permits the licensee to carry on the business on Reserve in a lawful manner. The issuance of a business license shall not be deemed to be a representation by the Council to the licensee that the business or proposed business complies with any or all applicable by-laws or enactments. The tenant of a business remains responsible to ensure compliance with all by-laws and enactments.

(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.

APPLICATION FOR LICENSE

4.(1) Every person who wishes to conduct a business on the Reserve must complete an Application for Business License and submit it to the License Inspector and must disclose all information required on this application form.

(2) All applications for a business license, including those applying for a transfer of a license, shall be signed by the tenant of a business or his duly authorized agent, provided that in the case of partnerships or multiple owners, any one of such partners or owners may apply and such partner or owner shall be deemed to be duly authorized by all the partners or owners. Where the applicant is a corporation or a partnership, proof of incorporation or partnership must be provided with a completed Application for Business License.

(3) 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 qualifications and of the qualifications of the employees to carry on such a business, and this must accompany the Application for Business License.

APPOINTMENT AND AUTHORITY OF LICENSE INSPECTOR

5.(1) The Council will, by resolution in writing, appoint a person to be the License Inspector, and such other Band officials as may be necessary, for the purpose of enforcing and carrying out the provisions of this By-law.

(2) The License Inspector shall receive, investigate, and process all applications for a business license, including classifying and interpreting each Application or a Business License in accordance with the categories listed in Schedule "A". The applicant may appeal such classification pursuant to subsection 13(1).

(3) The License Inspector shall grant a license where he is satisfied that the applicant has complied with all the requirements of this By-law. Where a license has been refused, the applicant has the right to appeal the decision to the Band Council pursuant to section 13, who may conduct a hearing pursuant to section 13.

(4) The License Inspector may refer the decision of granting or refusing to grant a business license to the Council, who may conduct a hearing pursuant to section 13.

(5) The License Inspector shall have the authority to suspend a business license when he has reasonable and probable grounds for believing that the licensee has breached a provision of the By-law and shall give notice of such suspension. A person whose license has been so suspended may appeal the decision to the Council pursuant to subsection 13(1).

(6) The License Inspector shall have the authority to enter, at all reasonable times, upon any premise subject to the regulations of this By-law in order to ascertain whether there is compliance with this By-law. Every person holding a business license shall give to the License Inspector and to any Band official, such access at any reasonable hours to premises on the Reserve and provide such information requested as may be required by the License Inspector to enforce this By-law.

(7) The License Inspector will maintain a record of all applications and fees for licenses and retain on file a copy of all licenses issued, together with their particulars.

(8) 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) the License Inspector will make inquiries and inspect premises to determine whether every holder of a business license complies with the terms of the license and the by-laws of the Council, and no licensee shall obstruct or hinder the making or completing of this inspection.

(9) The License Inspector shall report monthly to the Lands, Leasing and Tax Administrator, or the Band official appointed by the Council from time to time to administer the affairs of the Band, stating the number of business 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 business licenses issued and the total amount of money received to date for the current year.

(10) The License Inspector shall perform such other duties as may be requested by the Lands, Leasing and Tax Administrator, or other Band official appointed by the Council from time to time to administer the affairs of the Band related to the implementation of this By-law.

ISSUING OF LICENSES AND FALSE DECLARATIONS

6.(1) The License Inspector will, upon receiving an Application for a Business License together with the appropriate fee, promptly issue by delivering nor mailing a business license in the form of Schedule "G" to licensee at the address shown in the application provided

(a) the License Inspector is satisfied that the applicant's business complies with all provisions in any other applicable by-laws of the Band;

(b) the applicant has disclosed all required information in the application for the business license and the License Inspector is satisfied, pursuant to subsection 5(2) that such disclosure is accurate;

(c) the applicant has not, within the preceding three (3) years, been convicted of an offence under the *Criminal Code* (Canada), relating or relevant to the conduct of the business whether on or off Reserve, for which the applicant has not been pardoned;

(d) the applicant's business would not be detrimental to the health, welfare, safety and environment of occupants, persons, Bands, or Band members on a Reserve;

(e) the License Inspector's investigations do not disclose any reason to believe that the carrying on of the business may result in a breach of the law, or may, in any way, be adverse to the public interest; and

(f) the required fee for the license has been paid.

(2) Every Business License granted pursuant to this By-law will be in triplicate; 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.

(3) If the applicant fails to comply with or the License Inspector is not satisfied with information received from the applicant under subsection (1), the License Inspector will forthwith serve the applicant a Notice of Refusal in the form of Schedule "C" to this By-law and said Notice will be served personally or by registered mail to the applicant at the address shown in the Application for a Business License.

(4) Any person making an Application for a Business License shall, at the time of making such application for such business license, give true and correct details for the business that the business license is being applied for, on the forms supplied by the License Inspector. Any false declaration or concealment of material facts, which under the provisions of this by-law shall be disclosed, shall be deemed an infraction of this By-law and shall be liable to the penalties set out in Section 14.

LICENSES

7.(1) Except as hereinafter provided, a business license shall be issued for a twelve (12) month period to commence on January 1 and to terminate on December 31 in each and every year.

(2) A business license will specify the time period, type and location of the business the licensee is licensed to conduct.

(3) The period for a business license in respect of a theatre, including a drive-in theatre, amusement hall, concert hall, music hall, rink, amusement park or other place of amusement, entertainment or exhibition will be determined by the License Inspector upon the granting of the business license who shall take into consideration the period requested in writing on the Application for a Business License.

(4) The period for a business license with respect to a circus, horse show, horse race, dog or pony show, exhibition or other itinerant show or entertainment, when held elsewhere than in a licensed theatre or other licensed place, will be granted by the License Inspector, upon the granting of the business license, who shall take into consideration the period requested in writing with the Application for a Business License.

FEES

8.(1) Every person required to have a business license under the provisions of this By-law is required to pay for such a license in advance of the due date shown on the license, and all license renewal fees are due and payable by December 1 in any year. The fee payable will be the applicable fee as set out in Schedule "A".

(2) The fee payable for filing a Business License Application for the relocation of a business license, pursuant to subsections 11(1) and 11(3) of this By-law, is thirty-five dollars (\$35).

(3) The fee payable for filing a Business License Application for the assignment of a business license, pursuant to subsections 11(2) and 11(4) of this By-law, is thirty-five dollars (\$35).

(4) The fee payable for filling a Request for Review Hearing, pursuant to subsection 13(1) of this By-law, is thirty-five dollars (\$35).

(5) The fees prescribed in Schedule "A" will be reduced by one-half where a license is issued after July 31 in a calendar year.

(6) No license fee paid pursuant to this By-law will be refunded.

CHANGES TAKING EFFECT

9.(1) Every person granted a business license shall notify the License Inspector in writing of

(a) any changes in the mailing and/or business address. When it is intended to relocate the business, an Application for a Business License must be completed and submitted to the License Inspector for approval prior to such relocation;

(b) any change in the classification of the business;

(c) any change in the number of vehicles used in the business; and/or

(d) any change in the premises in which the business is being carried on.

(2) Every person granted a business license, where the license fee is based on floor area, ground area, number of persons engaged in the business, number of machines, and/or number of rental units, shall notify the License Inspector of any change in the floor area, ground area, number of persons engaged in the business, number of machines, and/or number of rental units prior to any change.

Where changes are made under subsection (1) or (2) then the powers, conditions, requirements

and procedures, relating to the granting or refusal of licenses and appeals herein, shall apply to all such changes.

RENEWAL OF LICENSE

10.(1) It shall be incumbent upon each person to renew their business license prior to the beginning of each licensing period. Every person granted a business license shall notify the License Inspector in writing forthwith when the license is no longer required.

(2) Business Licenses may be renewed by completing and submitting to the Business License Inspector an Application for Business License, together with the appropriate fee as set out in Schedule "A", by December 1 of each calendar year. Failure to submit such application will result in the automatic suspension of the license. Licenses so suspended may be renewed and reinstated within fifteen (15) days of the suspension upon the payment of an additional fee of thirty-five dollars (\$35), or within sixteen (16) to seventy-five (75) days of the suspension upon the payment of an additional seventy-five dollars (\$75). Failure to apply for a license renewal within seventy-five (75) days will result in the automatic revocation of the license.

RELOCATION, TRANSFER OR SALE OF BUSINESS

11.(1) Any person desiring to relocate a business from the premises for which the business license was issued, to a different premises on a Reserve shall complete and submit an Application for a Business License to the License Inspector and the powers, conditions, and requirements relating to the granting or refusal of licenses and appeals set out in this By-law shall apply.

(2) No person who purchases a business license pursuant to the By-law shall carry on or continue such a business without first completing and submitting an Application for a Business License to the License Inspector and the powers, conditions and requirements relating to the granting or refusal of licenses and appeals set out in this By-law shall apply.

(3) In the event of a relocation of a business for which a license has been issued, the License Inspector will permit the relocation of the license from one premise to another, provided

- (a) the licensee has completed an Application for a Business License;
- (b) the licensee has paid the fee under subsection 8(2) of this By-law; and
- (c) the proposed new premises complies with the terms of this By-law.

(4) In the event of a sale of the business for which a license has been issued, the License Inspector will issue a new license to the tenant of the business, provided

- (a) the tenant has completed an Application for a Business License;
- (b) the tenant has paid the fee under subsection 8(4) of this By-law; and

(c) the tenant meets the provisions of this By-law to carry on the business for which the business license was issued.

SUSPENSION OF REVOKING OF LICENSE

12.(1) Notwithstanding subsection 5(5) the council may, by band council resolution and upon giving notice in the form set out in Schedule "E": (i) suspend for a period not exceeding ninety (90) days, or (ii) revoke any license issued under this By-law, where it has come to Council's attention that the licensee

- (a) failed to comply with this By-law;
- (b) is carrying on a business that fails to comply with any applicable provisions in any other by-law of the Council;
- (c) within the preceding three (3) years of license issuance or since license issuance, has been convicted of an offence under the *Criminal Code* (Canada), relating to the conduct of the business whether on or off a 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 the occupants, persons, Band members, Band, or Band corporations of a Reserve;
- (e) Is convicted of an offence under any statute in respect of the business or with respect to the premises named in the business 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), and the Council will hold a review hearing of such suspension or revocation within ninety (90) days.

(2) Council will give the licensee at least seven (7) days notice of the hearing referred to in subsection (1) and the License Inspector will serve notice in the form of Schedule "E" personally or by registered mail to the licensee at the address shown on the business license, but if the licensee, after 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 if delivered and posted at the premises referred to in the license and an *ex parte* decision will be issued against the licensee.

(3) Subsections 13(2) though 13(10) apply *mutatis mutandis* to the hearing referred to in section 13.

(4) The License Inspector will post the notice of suspension or revocation of a business license by the Council upon the premises for which the license was issued and the notice must not be removed until the business 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.

APPEALS

13.(1) Within thirty (30) days of service of a notice arising under subsection 5(2), 5(3), 5(5), 6(3), or 12(1) of this By-law the applicant or licensee may apply for a review by Council by completing and filing with the License Inspector a Notice of Review in the form set out in Schedule "D" together with the payment of the fee referred to in subsection 9(4).

(2) The License Inspector, upon receipt of a Notice of Review and the fee referred to in subsection (1), will forthwith transmit to Council and the applicant

(a) a copy of the original Application for a Business License as completed by the applicant and copies of any supporting documentation accompanying the application;

(b) a copy of the applicant's completed Notice of Review; and

(c) a copy of the License Inspector's refusal and reasons for refusal.

(3) Upon receipt of the material described in subsection (2), Council will determine the time and date of the review hearing, which will be at least (15) days hence but no more than forty-five (45) days and will advise the License Inspector of its decision. The License Inspector will forthwith serve the Notice of Hearing in the form set out in Schedule "F" on the applicant by personal service or by registered mail at the address shown in the Application for a Business License. Council will hold the review hearing at the time and date set out in the Notice of hearing. The applicant shall be given at least seven (7) days notice of the hearing.

(4) The applicant may be represented at the review hearing by Council and the applicant or Council may adduce evidence, submit argument in support of the Application for a Business License, answer any objections that may arise, and examine or cross examine witnesses.

(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.

(6) At the review hearing, the onus will be upon the applicant to show just cause why the business license applied for should be granted.

(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.

(8) The License Inspector will forthwith notify the applicant of the decision referred to in subsection (7), 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 on the Application for a Business License.

(9) If the applicant agrees at the review hearing to accept conditions placed on the Business License, Council may render a decision granting the applicant the business license applied for upon such conditions as it considers fair and appropriate, and as authorized by law.

(10) All review hearings will be held in camera unless the applicant requests in the Notice of Review that the hearing be open to the public, and Council will approve such request. 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.

(11) If Council renders a decision granting the applicant the business license applied for, the business license will be issued upon the applicant complying with the By-law.

OFFENSES AND PENALTIES

14.(1) Any person who carries on a business for which a license is required pursuant tot his By-law, without holding a valid license for the business, is guilty of an offence and on summary conviction is liable to a fine not exceeding one thousand dollars (\$1,000).

(2) Notwithstanding anything herein contained, the amount of any and every license fee payable by any person pursuant to the provisions of this By-law shall be a debt due by that person to the band, which shall be recoverable with any costs in any court of competent jurisdiction.

(3) Every person who

(a) violates or any act or thing which violates any provisions of this By-law; or

(b) neglects or refrains from anything required to be done by any of the provisions of this By-law;

is guilty of an offence and liable upon summary conviction to a fine not exceeding one thousand dollars (\$1,000).

(4) The Council may charge a licensee, whether the business license is 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.

(5) The Council may upon application by an applicant or licensee postpone any enforcement

proceedings authorized by this section, where it is determined, in the sole discretion of the Council, that such enforcement would result in due hardship.

SOLICITING

15.(1) No person shall canvass or solicit business on any street or sidewalk on the Reserve from cards or samples, or in any other manner whatsoever for the sale of goods, wares or merchandise or any article or thing for future delivery.

(2) No person shall carry on any soliciting for charity when such person is to receive either directly or indirectly any compensation or reward without first obtaining a business license for that purpose.

(3) Before any business license to solicit for charity is issued by the License Inspector, applicants shall file with the Inspector each specific purpose for which soliciting is to be made; a statement setting out the name and address of the applicant and the names and addresses of all other persons for whose benefit such service is to be made; the total amount intended or expected to be raised; the method or scheme to be employed in such soliciting; the estimated total amount to be expended or received as compensation or reward; the proposed use of funds and the method of distribution thereof; the specific times when such soliciting shall be carried on, all of which shall be verified by affidavit of the person or chief officer of the organization on whose behalf or for whose benefit solicitation is to be done.

(4) No person shall carry on any soliciting for charity on any street on the Reserve unless such person shall have first obtained a business license.

(5) The provisions of subsection (3) shall not apply to appeals made by Church organizations, religious denominations or other bonafide societies where such appeals are made solely and exclusively to members of such organizations or societies.

(6) The soliciting of sales of any article, commodity or thing, or soliciting of any service, or contact service, or the soliciting of any agreement or promise that will lead to any service or contract to service, or the sale of any article, commodity or thin shall require a business license issued under the provisions of this By-law.

(7) Every business license to solicit shall be a personal license to the applicant and shall not be transferable.

(8) No person may apply for a license to solicit on behalf of another person.

(9) Soliciting within the Reserve between the hours of 21:00 hours (9:00 p.m.) and 9:00 hours (9:00 a.m.) is not permitted, except by special permission of Council.

(10) No person shall sell any goods whatsoever from out of any vehicle or conveyance on any street or road within the Reserve provided that this shall not apply to vendors of frozen confections. Such selling may only be undertaken from private property and with the approval and knowledge of the owner. This approval in no way releases such person from other requirements of this By-law.

(11) The soliciting of sales of any article, commodity or thing, or any agreement for the provision of any service shall require a business license issued under the provisions of this By-law.

CARNIVAL INSURANCE AND INSPECTIONS REQUIRED

16.(1) Any person seeking a license to hold a carnival or circus must

(a) Obtain insurance in the amount of two million dollars (\$2,000,000) for personal injury, death and property damage. Proof of such insurance must be submitted to the satisfaction of the License Inspector prior to the granting of a license. The Band shall be included as an additional insured;

(b) The insurance must contain a clause excluding the Band from liability in the event of injury

or damage being done to any person or property as a result of any activity or street parade of the carnival or circus; and

(c) The licensee shall hold the Band harmless against claims, actions for injury, damage, loss or death arising out of or resulting from the operation of the carnival or circus. The licensee's insurer must recognize the existence of the hold harmless clause.

(2) An inspection certificate from an accredited safety engineer shall be submitted to the License Inspector before a business license shall be granted for a carnival or circus. The inspection certificate shall state in precise terms that all machines, rides or equipment to be used by the public conform to acceptable standards and the License Inspector may require that a similar certificate be submitted every seven (7) days during the term of business license or as directed by the License Inspector.

(3) A cash bond of five hundred dollars (\$500) shall be deposited with the Finance Department of the Band and such bond or part thereof shall be forfeited to the Band to pay for any damages or the cost of any clean-up required during or after the term of the license. Such bond or part thereof shall be returned by the Financial Administrator of the Band upon notification by the License Inspector that all conditions regarding damages and clean-up are satisfactory.

GENERAL REGULATIONS

17.(1) Every vehicle making a delivery within a Reserve of wood, fuel, sand or gravel shall have clearly printed thereon the name and address of the owner and the carrying capacity for the particular commodity being carried.

(2) Every person licensed to do business within the Reserve shall, where he is operating a commercial vehicle in connection with his business, have displayed and on both sides of the vehicle the name and address of the license or alternatively the trade name and telephone number of the owner of the vehicle.

(3) No person shall, without express instructions from the owner or occupant of the premises, attend upon or canvas at any residential premises for the purpose of soliciting business that is in any way connected with home repairs or alternations.

(4) No person shall call at any residence between the hours of 21:00 hours (9:00 p.m.) and 9:00 hours (9:00 a.m.) for purpose of selling, soliciting or taking orders for goods, materials, publications or services of any kind unless a previous appointment has been made for such a call.

(5) No person holding or required to hold a business license pursuant to the provision of this By-law shall refuse to sell any goods or furnish any service, or supply any accommodation to any person by reason of such person's race, sex, creed or color.

MANUFACTURED HOME REGISTRY

18.(1) No occupant of the Reserve shall move a manufactured home onto a premises without first registering the manufactured home with the Business License Inspector.

(2) No occupant of the Reserve shall transfer a manufactured home through a sale or otherwise without first registering the transfer with the License Inspector.

(3) The fee payable for registering a manufactured home pursuant to subsections (1) and (2) is thirty-five dollars (\$35).

EXEMPTIONS

- 19.(1) Band members are exempt from applicable fees in this By-law.
- (2) The Band is exempt from applicable fees in this By-law.
- (3) Band corporations are exempt from applicable fees in this By-law.

SECTION ULTRA VIRES

20. In the event of any portion of this By-law being declared *ultra vires*, or quashed for any other reason, such decision shall not affect the By-law as a whole, and the remaining portions of the By-law shall remain in effect notwithstanding such decision.

CONFLICT OF INTEREST

- 21.(1) For the purpose of this section a potential conflict of interest means the Council
 - (a) is an applicant;
 - (b) is a director or officer of any applicant;
 - (c) is an immediate family member of an applicant including spouse, father, mother, son or daughter of the applicant;
 - (d) is a member of the applicant's household; or
 - (e) has a material interest in the proposed license.
- (2) The Council must declare any potential conflict of interest and withdraw from any review hearing, held under the provisions of section 13 of this By-law, where a conflict of interest may arise.

ENFORCEMENT

22. 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.

Hereby authorized on behalf of the Kamloops Indian Band at Kamloops Indian Reserve #1 on the 18 day of March 2002.


Chief

Councillor

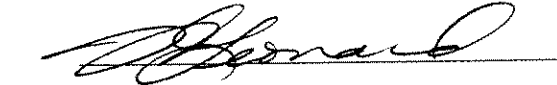
Councillor



Councillor




Councillor



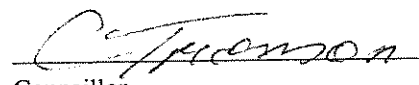
Councillor



Councillor



Councillor



Councillor

Being the majority of those members of the Council of the Kamloops Indian Band present.
There are nine (9) Council members and a quorum of Council is five (5) members.

Number of members of the Council present at the meeting: 6

SCHEDULE "A"

BUSINESS CATEGORIES AND FEES PAYABLE FOR EACH LICENSE

1. Accommodations

Includes the carrying on of the business of renting or leasing suites or rooms in a hotel, motel, rooming house, bed and breakfast house, apartment, manufactured home park or campground.

Fees:	a) Rooms	\$5.50 per room with a minimum fee at \$49.50
	b) Manufactured home park	per space \$5.50
	c) Campground	\$2.75 per space with a minimum fee at \$22.00

2. Automobile/Vehicle Sales, Rental and Service

Includes the carrying on of the business of sales, rental and service of new or used automobiles, snowmobiles, motorcycles and boats, trucks or recreation vehicles as follows:

Fees:	a) Sales and rental only	\$247.50
	b) Sales, rental and service	\$390.50
	c) Sales, rental and service of snowmobiles, motorcycles and boats only	\$247.50

3. Business Services

Includes the carrying on of a business offering a service, excluding businesses which sell products as their primary business and professional services, including but not limited to appliance and electronic repair service, auctioneer, collection agency, counselling service, dance studio, desk top publisher, hall rental, janitorial service, research and development laboratory, liquor delivery service, office assistance and answering service, office use, photographic studio, commercial printing service, security/enforcement service, steam cleaning service, tax preparation service, travel agency, upholsterer, consulting services (vocational, educational, research and planning, and financial), mobile hairdresser service, land developer, driver training service, bookkeeper service, drafting and design service, automobile towing service, property maintenance and management service, business machine maintenance service, and advertising, promotion and design service, large scale day care, general handyman (non-trades).

Fee: For each business service	\$143.00
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4. Carnival or Circus

Includes the carrying on of the business of a carnival or circus.

Fees:	a) Each ride	per day \$11.00
	b) Each exhibit, food booth or game booth	per day \$5.50

5. Contractor

Includes the carrying on of the business of construction, repairing, or demolishing a building, structure or thing, or offering the service of an associated building, construction or engineering sub-trade as follows:

- a) General Contractor: includes any person, corporation, company, firm or organization engaged in the business of general building construction or general engineering construction in the sense that contracts are entered into for substantially complete services involving responsibility for a number of recognized building or engineering sub-trades under one contract and shall include such person carrying out general building construction whether such construction is carried out for himself or for others. General building construction shall include the erection, finishing, alteration and addition to buildings and structures wherein more than one recognized building trade is involved at any one time. General engineering construction shall include the construction of towers, bridges, pipelines, dams, roads, earthwork, water, and drainage systems and the like.

Fee: \$484.00

- b) General Contractor (Owner of Commercial Premise) includes any person who chooses to act as his own general contractor for work conducted on his own existing commercial premise(s).

Fee: \$242.00

- c) General Contractor (Residential Building) includes any person who confines his business to residential construction or house renovations not exceeding four (4) houses per year

Fee: \$242.00

- d) Subcontractor (Tradesman) includes any person or business performing or engaged to perform in the construction or associated trades, either for his own use or benefit or for that of another, any work within the Reserve whether such work is undertaken on an hourly, daily, weekly or monthly basis, labour basis, contract basis or cost plus basis or otherwise and includes the following classifications:

- auto, truck and machine repair
- brick, concrete, stone or masonry
- building, carpentry, cabinet making, framing, siding forming
- demolition
- drywall, gyprock, plaster, stucco
- excavation, ditching, filling, landscaping
- electrical
- flooring and carpeting
- glazing, installation of windows and doors
- heating, air conditioning, refrigeration, sheet metal
- insulating, roofing
- installation of mechanical equipment

- ornamental metal work
- painting and decoration
- plumbing and sanitation
- paving
- equipment or machine operation
- structural metal fabricating and installing
- welding
- machine shops, others not herein specified

Fee: \$121.00

- e) Subcontractor (Installer) includes any person who holds a separate license to sell a product and who provides on-site installation service of that product.

Fee: \$60.60

6. Convenience Shop

Includes a retail store, which for the local convenience and well being of the occupants, persons, Band members, Band, or Band corporations of the Reserves, remains open for business after 21:00 hours (9:00 p.m.) on now fewer than six (6) evenings each week of the year and comprises a total floor area of not more than 185 m² not including living quarters and unfinished basement.

Fee: \$135.00

7. Equipment Sales, Rentals and Service

Includes the carrying on of a business for sales and service of industrial equipment, farm equipment and light commercial equipment.

Fees:	a) Heavy Industrial Equipment	\$484.00
	b) Light Industrial and Farm Equipment	\$242.00
	c) Light Commercial Equipment	\$154.00

8. Escort Agencies

Fee: \$3,000.00

9. Fabricating

Means a business where pre-finished materials are used to make a product or thing, including but not limited to tire retread plant, woodworking shop, sign shop, garment factories, wire cable works, sheet metal shop, steel fabrication shop and fiberglass fabrication shop.

Fee: \$192.50

10. Financial and Brokerage Companies

Includes the carrying on of the business of a First Nation,

trust company, credit union, finance and loan company, or brokerage company.

Fees: a) 1-20 employees	\$715.00
b) Over 20 employees	\$1,210.00
c) Instant Bank Machine	each \$110.00

The additional fee for instant bank machines are for those requiring a separate license because they are located at a separate premise from the bank or other financial or brokerage company.

11. Food Service

Includes the business of preparing and selling foods including a restaurant, deli, bakery, caterer, tea room and mobile food concession.

Fees: a) Restaurant, bakery, deli, caterer	\$192.50
b) Accessory Restaurant	\$110.00
c) Mobile Food Concessions	\$55.00/Unit with a minimum \$220.00

12. Fuel Sales and Service

Includes the business of a fuel bar, service station or bulk fuel agent/dealer

Fee: \$192.50

Fuel bar and service stations may provide a car wash and minor repairs to vehicles without an additional license and convenience goods for retail sale without an additional retail license, provided that the convenience goods display area does not exceed 10m².

13. Funeral Service

Means carrying on of the business of a funeral service.

Fee: \$242.00

14. Hair Stylist/Aesthetician

Includes any building, room or place where the business of cosmetologist, aesthetician, or barber including hairdressing, scalp treatment, manicuring or face treatment is carried out.

Fees: a) First Person	\$66.00
b) Each additional person	\$22.00

15. Handicrafts and Arts

Includes any home occupation business of making or producing a product or thing as a handicraft or art form, including but not limited to makers of carvings, ceramics, macramé, puppets, jewelry, glasswork, gift baskets, freelance photographers, writers, artists and teachers of music, singing and dancing.

Fees: a) \$66.00
b) Exhibition sales \$5.50/day with a minimum of \$22.00

Exhibition sales means the temporary sale of products made by the licensee and sold in premises not holding a theatre license.

16. Laundromat and Dry Cleaner

Includes the business of a laundromat or dry cleaner which may include on-site fabric repair.

Fees: a) Laundromat only \$143.00
b) Dry Cleaner only \$143.00
c) Combined Laundromat and Dry Cleaner \$192.50
d) Drop off service only \$60.50

17. Liquor Sales

Includes the business of selling liquor to the public in establishments listed below and including the accessory sale of food.

Fees: a) Beer and Wine Store \$192.50
b) Lounge \$302.50
c) Cabarets/Nightclubs \$605.00
d) Hotel Pub \$970.50

18. Mail Order Agency

Includes a business where orders are taken by any person either on his own behalf or as an agent for another person for the sale of goods, wares or merchandise kept in stock for retail sale by such person or his principal or principals outside the Reserve, or where such business is carried on in conjunction with the business of a retail or wholesale trade or merchant occupant on the Reserve.

Fee: \$135.00

19. Manufacturing Plant

Includes the business of manufacturing a product or thing, including food and beverage products, from unfinished or raw materials.

Fees: a) Pulp Mill, Refinery, Cement Plant	\$1,210.00
b) Saw Mill	\$968.00
c) All other	\$484.00

20. Media Service

Includes the business of a media-oriented service, including newspaper publishers, broadcasting stations.

Fee:	\$242.00
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21. Messenger and Express Service

Includes the business of delivering or collecting messages or packages or any form of goods or things or doing errands for the public for gain or profit.

Fees: a) Up to 10 employees	\$100.00
b) Over 10 employees	\$200.00

22. Minor Trades and Occupations

Includes a small-scale business which is owned-operated and service-oriented and which may be of a seasonal nature, including but not limited to chimney sweeps, piano tuners, dressmakers, watch repairers, house cleaners, nannies, small-scale day care, kindergarten or play school facilities, recreation/sport trainers, animal boarding kennels, sale of agricultural products grown on the premises, fire wood sales, Christmas tree sales and knife/saw sharpeners.

Fee:	\$66.00
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23. Manufactured Home Sales

Includes the business of a dealer for new and used manufactured home sales from commercial premises or a listing agency for used manufactured homes located on private premises.

Fees: a) Dealer Sales	\$484.00
b) Listing Agency	\$242.00

24. Nursing Home/Private Hospital

Includes the business of operating a residential care home, nursing home, private hospital or home for the aged or handicapped provided that there are more than two (2) beds.

Fees: a) 3 to 9 beds \$82.50
b) 10 or more beds \$165.00

25. Parking Lot

Includes the business of renting or leasing parking stalls.

Fees: a) 1-15 stalls \$82.50
b) Over 15 stalls \$121.00

26. Pawnbroker

Includes the business of accepting for sale used or new items and then offering them to the public for sale.

Fee: \$330.00

27. Pest Control Services

Includes the business or occupation involving the use or application of agricultural pesticides and who holds the required licenses.

Fee: \$135.00

28. Professional Service

Includes the business of a professional service to the public, including engineers, veterinarians, accounting professionals, barristers and solicitors, notaries public, medical professionals, surveyors, psychologists, real estate appraisers, insurance adjusters, physiotherapists, naturopathic physicians, architects and chiropractors.

Fee: \$135.00

29. Real Estate Agent/Salesperson and Insurance Agent/Salesperson

Includes the business of providing real estate services or insurance services.

Fee: per agent or sales person \$88.00

30. Recreation/Health Spa Facility

Includes the carrying on of the business of a recreation facility (indoor/outdoor), health spa or bowling alley, including but not limited to aerobic fitness studios, bodybuilding, gymnasiums, billiard halls and arcades as follows:

Fees: a) Recreation/Health Spa Facility, Arcade	\$192.50
b) Bowling Alley (1 to 5 lines)	\$55.00
with each additional lane	per lane \$22.00
	maximum \$330.00
c) Games Rooms (1 to 3 machines)	\$55.00

31. Repair Shop

Includes the business of a repair shop for automobiles, trucks, snowmobiles, motorcycles, recreation vehicles and boats, including but not limited to auto body shop, radiator shop, tire store, brake shop, muffler shop, machine shop, welding shop, and mechanical repair shop.

Fee: \$143.00

32. Restaurant

Includes any dining room, coffee shop, tea room, ice cream parlor, eat in or take out food establishment, or any other place, whether permanent or temporary, fixed or movable, in which foods and/or beverages for human consumption are served on or off the premises.

Fee: \$175.00

33. Retail Sales

Includes the carry on of the business of retail sale of goods or food products from permanent commercial premises as follows:

Fees: a) Department Store	
i) Floor area greater than 2,727m ²	\$1,200.00
ii) Floor area from 1,858m ² to 2,726m ²	\$946.00
iii) Floor area from 1,394m ² to 1,857m ²	\$836.00
iv) Floor area from 929m ² to 1,393m ²	\$726.00
b) Retail Store	
i) Floor area from 604m ² to 928m ²	\$484.00
ii) Floor area from 1394m ² to 603m ²	\$275.00
iii) Floor area less than 324m ²	\$143.00
3) Grocery Store	
i) Floor area greater than 929m ²	\$605.00
ii) floor area from 604m ² to 928m ²	\$484.00
4) Adjunct Educational Classes to a Retail Business	\$66.00

For departmental stores operating a restaurant, bakery or automobile repair shop, a separate license shall be required in accordance with the appropriate business license classification for each business operation.

For grocery stores operating a restaurant, bakery, shoe repair shop, video rental outlet and book store, a separate license shall be required in accordance with the appropriate business license classification for each business operation.

34. Sale from Manufactured Home

Includes the business of selling goods and good products from a vehicle parked on a site for no longer than two (2) consecutive days per week at a location permitted under Council as amended from time to time.

Fee: \$242.00

35. Sale of Goods

Includes the business of selling products from a temporary commercial premise or taking orders for the sale of products to be supplied by persons not licensed to carry on a business on the Reserve and which may be sold either by direct sales, by telephone solicitation, by door-to-door solicitation, by mail order solicitation, or by home part solicitation as follows:

Fees: a) Salesperson	each	\$220.00
up to a maximum of		\$440.00
b) one party salesperson	each	\$88.00
c) Seasonal fruit stand/garden supplies		\$192.50

36. Second-Hand Sales/Auto Wrecker

Includes the business of retail sales of second-hand goods, scrap metals and automobile wrecker and a second-hand store or shop to carry on the trade or business of a dealer in second-hand goods, wares, merchandise or effects of any description.

Fee: \$176.00

37. Security Service and Patrol

Includes the business whereby any person who by contract or agreement undertakes to watch or patrol the premises of more than one person for the purpose of guarding and protecting persons and/or property against robbery, theft, burglary, or other hazards.

Fee: per person \$135.00

38. Soliciting for Charity

Includes the business of collecting or receiving money or property, goods or articles of any kind or description, and the disposal of sale thereof and the sale of any ticket for any form of entertainment, or the drawing of any other disposition of any prize or premium, the proceeds of which, either directly or indirectly are to be, or are intended to be used or disposed of for any charity, relief, or benefit, or for any philanthropic or patriotic service.

Fee: per person \$20.00

39. Theatres and Markets

Includes the carrying on of the business of movie theatre, playhouse, concert hall, circus, farmer's market, flea market or art market.

Fees: a) Movie theatre, playhouse,	\$484.00
Concert hall or circus	\$242.00
b) Farmers' Market	\$242.00
c) Flea Market	\$242.00
d) Art Market	

40. Transportation Service

Includes the carrying on of the business of providing a public or charter transportation service or a moving, delivery or courier service.

Fees: a) Public/Charter Transportation Service	\$192.50
b) Taxi/Limousine Service (per vehicle)	\$60.50
1 Pedicabs (per pedicab)	\$27.50
c) Moving/Delivery/Courier Service	\$192.50
d) Independent Trucker (one truck only)	\$121.00

41. Unclassified

Includes every person carrying on a business that is not herein classified.

Fee: \$192.50

42. Vending Machines

Includes the carrying on of the business of owning, leasing or operating any machine or device operated by or requiring for operation thereof, the insertion of any slug or coin and shall mean any machine or device operated mechanically or otherwise, for the purpose of selling or disposing of any goods, wares, merchandise, or articles or for the purpose of providing music, games, amusement or service of any kind, but shall not mean or include any machine or device which emits or gives out therefrom any coin, disc, token or slug, either with or without the accompaniment of any goods, wares, merchandise or articles, or of any premiums whatsoever, or any machine or device wherein by operation as

aforesaid, any numerals signs, pictures or figures or any combination thereof, are displayed or result from the playing or operation of any such machine or device from various locations.

Fee: \$143.00

43. Warehousing and Storage

Includes the carrying on of the business of a warehouse or storage area.

Fees: a) Floor area greater than 2,371m ²	\$484.00
b) Floor area from 1,860m ² to 2,321m ²	\$412.50
c) Floor area from 1,395m ² to 1,859m ²	\$341.00
d) Floor area from 930m ² to 1,394m ²	\$269.50
e) Floor area from 461m ² to 929m ²	\$192.50
f) Floor area from 0m ² to 460m ²	\$121.00

44. Wholesale

Includes the business of selling goods in quantity for resale by retail stores or for re-use in the manufacturing or construction process, including sales to other wholesale dealers or to contractors or manufacturers for resale or for use in their business.

Fees: a) From 1 - 5 employees	\$192.50
b) From 6 - 12 employees	\$341.00
c) More than 12 employees	\$484.00

SCHEDULE "C"
NOTICE OF LICENSE REFUSAL

TO: _____
(name of applicant)

ADDRESS: _____

(address of applicant)

RE: _____
(location of business)

TAKE NOTICE that pursuant to the Kamloops Indian Band Business Licensing By-law your application to: _____ issue, _____ renew, _____ transfer, _____ assign a BUSINESS LICENSE is refused.

AND TAKE NOTICE that you have thirty (30) days from the date of this NOTICE within which you may apply for a review by Council by completing and filing a Request for Review Hearing of said By-law and paying the fee pursuant to this By-law with the License Inspector.

AND TAKE NOTICE that if you file a Request for Review Hearing, a hearing will be conducted by the Council of the Kamloops Indian Band for which you will be notified of the time and place to attend.

DATED AT _____
this _____ day of _____ 20____.

Printed name of License Inspector

License Inspector's signature

SCHEDULE "D"

REQUEST FOR REVIEW HEARING

TO: Council of the Kamloops Indian Band

c/o _____
(license inspector)

PURSUANT to the Kamloops Indian Band Business Licensing By-law, I hereby appeal the decision as outlined in the NOTICE OF LICENSE REFUSAL, dated the _____ day of _____, 20_____ and signed by the License Inspector to refuse to:

_____ issue, _____ renew, _____ transfer, _____ assign a BUSINESS LICENSE for the following business located at:

(description of the business and location)

on the following grounds:

- 1.
- 2.
- 3.
- 4.

DATED AT _____

this _____ day of _____, 20_____.

Printed name of Appellant

Appellant's signature

Address to which all notices to appellant are to be sent

SCHEDULE "E"

NOTICE OF SUSPENSION OF BUSINESS LICENSE

TO: _____
(name of applicant)

ADDRESS: _____

(address of applicant)

RE: _____
(location of business)

TAKE NOTICE that pursuant to the *Kamloops Indian Band Business Licensing By-law* your BUSINESS LICENSE has been suspended or revoked pursuant to section 12 of the *Kamloops Indian Band Business License By-law*.

AND TAKE NOTICE that this review hearing will be held at the hour of _____ (a.m./p.m.) on the _____ day of _____, 20____ at the following location:

DATED AT _____
this _____ day of _____ 20____.

Printed name of License Inspector

License Inspector's signature

SCHEDULE "F"
NOTICE OF REVIEW HEARING

TO: _____
(name of appellant)

ADDRESS: _____

(address of appellant)

RE: _____
(location of business)

PURSUANT to the *Kamloops Indian Band Business Licensing By-law*, Council will hear your Request for Review Hearing dated the _____ day of _____, 20__ relating to the above-noted business.

AND TAKE NOTICE that this review hearing will be held at the hour of _____ (a.m./p.m.) on the _____ day of _____, 20__ at the following location:

AND TAKE FURTHER NOTICE that you should bring to the hearing all relevant documents pertaining to this matter.

DATED AT _____ this _____ day of _____ 20__.

Printed name of License Inspector

License Inspector's signature



SCHEDULE "B"

APPLICATION FOR BUSINESS LICENSE

Date: _____

Application Information:

Name: _____
Address: _____
City & P.C.: _____
Phone: _____
Fax: _____
E-mail: _____

Lessee Sublease

Company Information:

Name: _____
Contact: _____
Title: _____
Address: _____
Phone: _____
Fax: _____

Band Member

(File No./Legal Desc.)

Head lease-Co. Name)

Information of Business to be Licensed:	
Name:	_____
Location:	_____
Description/Use as Indicated in Lease:	_____
Is the above location currently under construction and/or renovation? Y <input type="checkbox"/> # _____ N <input type="checkbox"/>	
Type of construction or renovation: _____	

*Please provide roof and give details below for the following questions answered Yes:

- Have you previously had a business license with the Kamloops Indian Band Y # _____ N
- Are you bonded with a bonding agency with respect to the conduct of your business Y # _____ N
- Is the business incorporated?* If Yes: Federal Provincial Y N
- Is this business administered by a partnership?* Y N
- Have you, within the previous three years, been convicted of an offence under the Criminal Code? Y N
- Are you licensed/certified/other?* Y N
- If the business is in respect of a theatre, including a drive-in-theatre, amusement hall, concert/music hall, amusement park, or other place of amusement, entertainment, or exhibition, or a circus, horse show, dog or pony show, exhibition or itinerant show or entertainment, how long do you intend to operate the business on Reserve? _____
- Do you have any guard dogs on your premises? Y N

Details:

Certificate As To Building (Office Use Only)

We hereby certify that the premises where it is proposed to carry on the above business comply with the requirements of By-law No. 2001-04 and relevant of the Kamloops Indian Band, and all applicable Provincial and Federal statutes.

Date Approved:	_____
License to be issued under Clause No.	_____
Schedule "A" By-law No. 2001-04 Fee:	_____
Business License No.:	_____
License Inspector:	_____



SCHEDULE "G"

BUSINESS LICENSE

EFFECTIVE DATE: _____

COMMENCEMENT: _____

EXPIRY: _____

Lands, Leasing & Tax Department
Suite 406-345 Yellowhead Highway
KAMLOOPS BC V2H 1H1
Telephone: (250) 828-9784
Fax: (250) 314-1539

NAME AND ADDRESS OF LICENSEE	
	BUS LICENSE No. DATE ISSUED
LOCATION OF BUSINESS	
DESCRIPTION OF COMMERCIAL ACTIVITY AND LICENSE FEE	_____ LICENSEE
FEE	CLAUSE
	_____ LICENSE INSPECTOR

THIS IS TO CERTIFY THAT the above licensee has paid the required License Fee and is entitled to carry on such business as indicated within Kamloops Indian Reserve No. 1.

This License is issued subject to the provisions of *By-law No. 2001-04* of the Kamloops Indian Band as authorized by the Minister of Indian and Northern Affairs Canada under paragraphs 83(1)(a.1), and 83(1)(g) of the *Indian Act*, R.S.C. 1985, c.1-5, now or hereinafter, in force, and to all amendments, that may hereafter, during the currency of this License, be made to said By-law.

This License is personal and cannot be sold or transferred. The Lands, Leasing and Tax Department must be notified in writing to any change in the ownership, address or nature of the business.

LICENSE NOT VALID
Unless Official Stamp Shown Here

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES