



**FISHING LAKE METIS SETTLEMENT IN THE PROVINCE OF ALBERTA LICENSING BY-LAW NO.
FLMS004/2016**

**A BY-LAW FOR THE REGULATION AND LICENSING OF BUSINESS, INDUSTRIES, AND ACTIVITIES
ON THE FISHING LAKE METIS SETTLEMENT.**

WHEREAS section 14 of Schedule 1 to the Metis Settlements Act, RSA 2000 ,c.M-14, authorizes a Settlement Council to control, license and regulate businesses, industries, or activities;

NOW THEREFORE the Council and members of the Fishing Lake Metis Settlement enact as follows:

A. Definitions:

In this By-law:

- a) **"Applicant"** means a person who applies for a license;
- b) **"Business"** means:
 - i. A commercial, merchandising or industrial activity or undertaking;
 - ii. A professional, trade, occupation, calling or employment; or
 - iii. An activity providing goods or services.
- c) **"Business License"** means a license issued in accordance with this By-law;
- d) **"Council"** means the Fishing Lake Metis Settlement Council;
- e) **"Licensee"** means a Person to whom a Business License has been issued;
- f) **"E.D.O."** means the economic development officer appointed by Council, to oversee applications for Business Licenses and enforce the provisions of this Bylaw;

- g) **"Fee"** means the fee payable by an Applicant upon application for and renewal of any Business License, as set out in Part F of this By-law;
- h) **"Person"** means and includes an individual, corporation, partnership, firm, trust, joint venture, association, unincorporated organization, body, corporate, personal representative or co-operative association;
- i) **"Settlement"** means the Fishing Lake Metis Settlement;
- j) **"Settlement Member"** means a registered member of the Fishing Lake Metis Settlement;

B. Licensing

1. No Person shall conduct Business within the Settlement unless it holds a Business License.
2. A Person applying for a Business License must complete the required application and pay the applicable Fee.
3. If a Provincial or Federal license or approval is required for a particular Business, a Business License will not be issued for that Business unless the Applicant holds the required Provincial or Federal license or approval.
4. A Licensee must display its Business License in a noticeable place on the premises where Business is conducted or the place in which a Licensee serves customers.
5. A Business License expires on December 31 of each year.
6. A Person does not require a Business License for the purpose of selling products to the holder of a valid Business License who will be reselling the products.
7. A Business License cannot be transferred by the Licensee to any other Person. Any transfer of a Business License shall be void and cause the Business License to be immediately revoked.

C. Responsibilities and Duties of Economic Development Officer

1. All Business Licenses issued under this Bylaw shall be in a form approved by Council and implemented by the E.D.O.
2. The E.D.O will:
 - a) Ensure the Business Licence applications are complete and are provided to Council for review and or approval;

- b) Maintain appropriate records pertaining to Business Licenses, infractions of this Bylaw and generally all matters arising out of the application and enforcement of this Bylaw;
- c) Enforce the provisions of this Bylaw.

D. Council Authority

Once provided to Council by the E.D.O., Council shall review an application for a Business License and either grant or refuse the application. Council may refuse to grant or renew a Business License and may revoke or suspend a Business License, if in its opinion, and upon reasonable grounds, Council believes that:

- a) The Applicant or Licensee has contravened the provisions or requirements of this By-law or any other by-law of the Settlement, or any enactment of the Province of Alberta;
- b) The Applicant or Licensee has withheld or concealed information from the E.D.O, a designate of the E.D.O., a peace officer or has provided false information on any application for a Business License;
- c) It is in the public interest to do so.

E. Applicant/Licensee Responsibilities

1. Notice of the cancellation or suspension of a Business License may be given by personal delivery of such notice to the Licensee at his/her place of Business or residence as shown on the Business License.
2. The Licensee shall immediately upon being given verbal notice, or upon being served with written notice of the revocation of its Business License, terminate the operation of its Business.
3. The decision of Council shall be final with regard to any refusal to grant a Business License, cancellation of a Business License, or suspension of a Business License.

F. Fee

The Fee will be set by Council through the FLMS Local Business Activities Policy P-001/2016, as amended or replaced from time to time, which is attached hereto as Schedule "A" to this By-law. Council shall review the Fee on a yearly basis.

G. Application Rules

An Applicant for a Business License may submit an application to the E.D.O, on a form supplied by the E.D.O (attached to this Bylaw as Schedule A), along with the Fee payable. All information asked for on the form is required and incomplete forms shall not be accepted. Council may

from time to time require additional information from an Applicant, which may include, but is not limited to, the following:

- a) A statutory declaration where required by the Council.
- b) A bond or commercial liability insurance where required and in a form satisfactory to Council.
- c) A Provincial License where required under any Provincial legislation or regulation.

H. Penalty

A person who contravenes a provision of this By-law is guilty of an offence and liable to a fine of not more than \$2500.00.

I. Repeal

The Fishing Lake Metis Settlement Business License Bylaw No. 910017 is hereby repealed.

J. Effective Date

This By-law comes into effect the day after third reading.

READ a first time this 19th day of February 2016 at a Regular Council meeting at which 5 Council members were present and voted as follows:

3 for; 0 opposed; 1 abstained.

READ a second time this 1st day of March, 2016 at a Regular Council meeting at which 4 Council members were present and voted as follows:

4 for; 0 opposed; 0 abstained.

Approved to post for membership this 1st day of March, 2016 at a Regular Council meeting at which 4 Council members were present and voted as follows;

4 for; 0 opposed; 0 abstained

Approved at a scheduled General Public Meeting held on this 18th day of May, 2016, at which 22 members voted to take to secret ballot vote on May 25th, 2016 vote is as follows:

15 for; 0 opposed; 7 abstained.

Approved by Secret Ballot vote on May 25, 2016, at which 22 members voted, vote is as follows:


16 for; 6 opposed; 0 spoiled ballots

READ a third time this 7th day of June, 2016 at a Regular Council meeting at which 5 Council members were present and voted as follows:

5 for; 0 opposed; 0 abstained;

Fishing Lake Metis Settlement

Approval Date: June 7, 2016



FLMS Administrator

{SEAL}



Schedule "A"
Local Business Activities Policy

Please see attached.