

TITLE XIV - TRIBAL LICENSES AND PERMITS

CHAPTER 1. LIQUOR LICENSES AND PERMITS

Sec. 101. Conformity with State Law and This Ordinance.

The introduction, possession, transportation, and sale of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Tribe, provided that such introduction, possession, transportation, and sale are in conformity with the laws of the State of Louisiana and with the provisions of this Ordinance.

(Added by Ordinance #8-93; Adopted: May 10, 1993; Effective: November 1, 1993)

Sec. 102. Tribal License or Permit Required.

No person shall engage in the sale of intoxicating beverages within the Indian country under the jurisdiction of the Tribe, unless duly licensed or permitted to do so by the Tribe in accordance with the terms of this Ordinance and the State of Louisiana.

(Added by Ordinance #8-93; Adopted: May 10, 1993; Effective: November 1, 1993)

Sec. 103. Application for Tribal Liquor License; Requirements.

No tribal license shall issue under this Ordinance except upon a sworn application filed with the Council containing a full and complete showing of the following:

(a) Satisfactory proof that the applicant is or will be duly licensed by the State of Louisiana.

(b) Satisfactory proof that the applicant is of good character and reputation among the people of the Reservation and that the applicant is financially responsible.

(c) The description of the premises in which the intoxicating beverages are to be sold, proof that the applicant is the owner of such premises, or lessee of such premises, for at least the term of the license.

- (d) Agreement by the applicant to accept and abide by all conditions of the tribal license.
- (e) Payment of a \$ 250.00 fee, is prescribed by the Council.
- (f) Satisfactory proof that neither the applicant nor the applicant's spouse has ever been convicted of a felony.
- (g) Satisfactory proof that notice of the application has been posted in a prominent, noticeable place on the premises where intoxicating beverages are to be sold for at least 30 days prior to consideration by the Council and has been published at least twice in such local newspaper serving the community that may be affected by the license as the Tribal Chairman or Secretary may authorize.

The notice shall state the date, time and place when the application shall be considered by the Council pursuant to Section 104 of this Ordinance.

(Added by Ordinance #8-93; Adopted: May 10, 1993; Effective: November 1, 1993)

Sec. 104. Hearing on Application for Tribal Liquor License.

All applications for a tribal liquor license shall be considered by the Council in open session at which the applicant, his attorney and any person protesting the application shall have the right to be present, and to offer sworn oral or documentary evidence relevant to the application. After the hearing, the Council, by secret ballot, shall determine whether to grant or deny the application, based on;

- (1) whether the requirements of Section 103 have been met, and;
- (2) whether the Council, in its discretion, determines that granting the license is in the best interests of the Tribe.

In the event that the applicant is a member of the Tribal Council, or a member of the immediate family of a Council member, such member shall not vote on the application or participate in the hearings as a Council member.

(Added by Ordinance #8-93; Adopted: May 10, 1993; Effective: November 1, 1993)

105. Temporary Permits.

The Council or their designee may grant a temporary permit for the sale of intoxicating beverages for a period not to exceed three (3) days to any person applying for the same in connection with a tribal or community activity, provided that the conditions prescribed in Sections 106(b), 106(c), 106(d), 106(h), and 106(i) of this Ordinance shall be observed by the permittee. Each permit issued shall specify the types of intoxicating beverages to be sold. Further, a fee of \$25.00 will be assessed on temporary permits.

(Added by Ordinance #8-93; Adopted: May 10, 1993; Effective: November 1, 1993)

Sec. 106. Conditions of the Tribal License.

Any tribal license issued under this Title shall be subject to such reasonable conditions as the Council shall fix, including, but not limited to the following:

- (a) The license shall be for a term of one year.
- (b) The license shall at all times maintain an orderly, clean, and neat establishment, both inside and outside the licensed premises.
- (c) The licensed premises shall be subject to patrol by the Tribal Police Department, and such other law enforcement officials as may be authorized under federal or tribal law.
- (d) The licensed premises shall be open to inspection by duly authorized tribal officials at all times during the regular business hours.
- (e) Subject to the provisions of subsection "f" of this section, no intoxicating beverages shall be sold, served, disposed of, delivered, or given to any person, or consumed on the licensed premises except in conformity with the hours and days prescribed by the laws of the State of Louisiana, and in accordance with the hours fixed by the Council, provided that the licensed premises shall not operate or open earlier or operate or close later than is permitted by the laws of the State of Louisiana.
- (f) No liquor shall be sold within 200 feet of a polling place on tribal election days, or when a referendum is held of the people of the Tribe, and including special days of observance as designated by the Council.

(g) All acts and transactions under authority of the tribal liquor license shall be in conformity with the laws of the State of Louisiana, and shall be in accordance with this Ordinance and any tribal license issued pursuant to this Ordinance.

(h) No person under the age permitted under the law of the State of Louisiana shall be sold, served, delivered, given or allowed to consume alcoholic beverages in the licensed establishment and/or area.

(i) There shall be no discrimination in the operations under the tribal license by reason of race, color or creed.

Provided, that the Council shall not grant to the licensee, by way of a condition of the license, or otherwise, any privilege or benefit relating to the hours and days of operation of the licensed premises, greater than those permitted by the laws of the State of Louisiana.

(Added by Ordinance #8-93; Adopted: May 10, 1993; Effective: November 1, 1993)

Sec. 107. License Not a Property Right.

Notwithstanding any other provision of this Ordinance, a tribal liquor license is a mere permit for a fixed duration of time. A tribal liquor license shall not be deemed a property right or vested right of any kind, nor shall the granting of a tribal liquor license give rise to a presumption or legal entitlement to the granting of such license for a subsequent time period.

(Added by Ordinance #8-93; Adopted: May 10, 1993; Effective: November 1, 1993)

Sec. 108. Assignment or Transfer.

No tribal license issued under this Ordinance shall be assigned or transferred without the written approval of the Council expressed by formal resolution.

(Added by Ordinance #8-93; Adopted: May 10, 1993; Effective: November 1, 1993)

Sec. 109. Cancellation and Suspension.

Any license issued hereunder may be suspended or canceled by the Council for the breach of any of the provisions of this Ordinance, or of the tribal license, upon hearing before the Council

after 10 day notice to the licensee. The decision of the Council shall be final.

(Added by Ordinance #8-93; Adopted: May 10, 1993; Effective: November 1, 1993)

Sec. 110. Allocation of Fees.

Any and all License and/or Permit fees collected pursuant to Chapter 1. shall be utilized for public works.

(Added by Ordinance #8-93; Adopted: May 10, 1993; Effective: November 1, 1993)

Sec. 111. Limitation of Liability for loss connected with Sale, Serving, or Furnishing of Alcoholic Beverages.

Neither the Tribe nor any person or entity, nor any agent, servant, or employee of such a person or entity who, on the Reservation, pursuant to appropriate licensure, sells or serves intoxicating beverages of either high or low alcoholic content to a person over the age for the lawful purchase thereof, shall be liable to such person or to any other person or to the estate, successors, or survivors of either for any injury suffered on or off the premises, including wrongful death and property damage, because of the intoxication of the person to whom the intoxicating beverages were sold or served.

(Added by Ordinance #5-95; Adopted: May 25, 1995; Effective: September 9, 1997)