

# TITLE 8

# LIQUOR

Of the Standing Rock Sioux Tribal Code of Justice



Approved and Amended by  
Standing Rock Sioux Tribal Council  
November 1, 2006 – Resolution No. 566-06

## **RESOLUTION NO. 566-06**

**WHEREAS**, the Standing Rock Sioux Tribe is an unincorporated Tribe of Indians, having accepted the Indian Reorganization Act of June 18, 1934, with the exception of Section 16; and the recognized governing body of the Tribe is known as the Standing Rock Sioux Tribal Council; and

**WHEREAS**, the Standing Rock Sioux Tribal Council, pursuant to the amended Constitution of the Standing Rock Sioux Tribe, Article IV, Section 1[c], and 1[o], is authorized to promote and protect the health, education and general welfare of the members of the Tribe; to manage and protect and preserve the property of the Tribe and to safeguard and promote the peace, safety, morals, physical and general welfare of the Tribe; and

**WHEREAS**, pursuant to its Constitutional Authority, the Standing Rock Sioux Tribal Council adopted an Ordinance No. 63 to regulate and control the sale of liquor within the Reservation, which Ordinance originally became effective on September 30, 1974, and was subsequently amended December 10, 1982; and

**WHEREAS**, while the Tribe has considered amendments to the Tribe's Liquor Ordinance, the law in effect as of December 10, 1982 continues to control the sale of liquor within the Reservation; and

**WHEREAS**, pursuant to the Tribe's Liquor Ordinance, the Tribe is authorized to charge an annual fee for liquor licenses in a reasonable amount; and

**WHEREAS**, the Tribal Council has determined that a reasonable fee for liquor licenses issued in 2007 is \$500.00, which is consistent with the license fee charged in 2006;

**NOW THEREFORE BE IT RESOLVED**, that pursuant to the power vested in the Standing Rock Sioux Tribal Council under the Constitution of the Standing Rock Sioux Tribe, the Tribal Council affirms that the fee to be charged for liquor licenses in 2007 is \$500.00 per applicant; and

**BE IT FURTHER RESOLVED**, that Tribal Council Resolution 407-04 [November 5, 2004] is hereby rescinded; and


**BE IT FURTHER RESOLVED**, that the Chairman and Secretary of the Tribal Council are hereby authorized and instructed to sign this resolution for and on behalf of the Standing Rock Sioux Tribe.

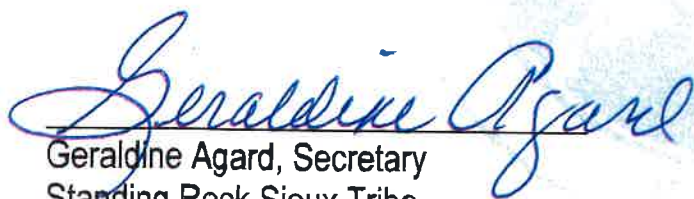
## CERTIFICATION

**We**, the undersigned, Chairman and Secretary of the Tribal Council of the Standing Rock Sioux Tribe, hereby certify that the Tribal Council is composed of [17] of whom 14 constituting a quorum, were present at a meeting thereof, duly and regularly, called, noticed, convened and held on the 1<sup>st</sup> day of **NOVEMBER, 2006**, and that the foregoing resolution was duly adopted by the affirmative vote of 12 members, with 1 opposing, and with 1 not voting. **THE CHAIRMAN'S VOTE IS NOT REQUIRED EXCEPT, IN CASE OF TIE.**

**DATED THIS 1<sup>st</sup> DAY OF NOVEMBER 2006.**

**ATTEST:**

  
Ron His Horse Is Thunder, Chairman  
Standing Rock Sioux Tribe

  
Geraldine Agard, Secretary  
Standing Rock Sioux Tribe

**[Official Tribal Seal]**

Meeting Date: 11-01-06  
Motion No. 41

# **1982 SRST LIQUOR ORDINANCE**

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**TITLE VIII. LIQUOR****8-101. Conformity with State Laws and this Title.**

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 in North Dakota, are in conformity with the laws of the State of North Dakota, and with the provisions of this Title, and that such introduction, possession, transportation, and sale in South Dakota are in conformity with the laws of the State of South Dakota, and with the provisions of this Title.

**8-102. Corporate and Tribal Entity.**

The Standing Rock Sioux Tribal Council (hereinafter the "Council"), may charter, or form a corporation, or a subordinate tribal entity, or a tribal enterprise, to operate off-sale or packaged sale of intoxicating beverages, under such license or licenses as may be required by law.

**8-103. 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 Title and, in the case of non-Indians, by the Tribe and the State in which the licensee sells intoxicating beverages, provided that the Tribe, in the discretion of the Council, may require Indians to obtain licenses from the appropriate State.

**8-104. Application for Tribal Liquor License - Requirements.**

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

- (a) If the applicant is a non-Indian, satisfactory proof that the applicant is or will be duly licensed by the State in which he proposes to operate.
- (b) If the applicant is an Indian, and the Council determines that a State license should be obtained, satisfactory proof that the applicant is or will be duly licensed by the appropriate State, or that such license has been withheld or denied for reasons in excess of the powers vested in the State licensing authorities, or for arbitrary or capricious reasons.
- (c) Satisfactory proof that the applicant is of good character and reputation among the people of the Reservation, with particular reference to the Indian people, and that he is financially responsible.

- (d) 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.
- (e) Agreement by the applicant to accept and abide by all conditions of the tribal license.
- (f) Payment of a reasonable fee, not to exceed the corresponding license fee required under State law.
- (g) Satisfactory proof that neither the applicant nor the applicant's spouse has ever been convicted of a felony.
- (h) 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 a tribal newspaper, or if a tribal paper is not in publication, in such other 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 8-105.

8-105. 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. (In the event that the applicant is 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 hearing as a Council member.)

8-106. Temporary Permits for Sale of Beer.

The Council 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 Section 8-107(b), 8-107(c), 8-107(d), 8-107(h), and 8-107(i) of this Code shall be observed by the permittee. Each permit issued shall specify the types of intoxicating beverages to be sold.

8-107. 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, and shall expire as of even date with any license issued under the laws of the State in which the licensee sells intoxicating beverages.
- (b) The licensee 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 Reservation police force, for the purpose of enforcing tribal law, and by state and county law officers for the purpose of enforcing state law against non-Indians, and the licensee shall cooperate with such police and law officers.
- (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 where the licensed premises are situated, 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 law of the State where the licensed premises are located.
- (f) The premises covered by the tribal liquor license shall be closed 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 in which the licensee sells intoxicating beverages, and shall be in accordance with this Title and any tribal license issued pursuant to this Title.
- (h) No person under the age permitted under the law of the appropriate State shall be admitted into the licensed establishment.
- (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 in which the licensed premises are located.

8-108. Assignment or Transfer.

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

8-109. Cancellation and Suspension.

Any license issued hereunder may be suspended or cancelled by the Council for the breach of any of the provisions of this Title, or of the tribal license, upon hearing before the Council after 10 days notice to the licensee. The decision of the Council shall be final.

8-110. Prior tribal laws repealed.

The resolution heretofore adopted and published in the Federal Register (Vol. 18, p. 8626) on December 22, 1953, is hereby repealed.

8-111. Effective date.

This Ordinance shall be effective upon publication in the Federal Register.