

and sale of Alcohol Beverages on Tribal lands of the Cheyenne and Arapaho Tribes of Oklahoma. The enactment of this Ordinance will enhance the ability of the Tribal government to control all such alcohol-related activities within the jurisdiction of the Tribes and will provide an important source of revenue for the continued operation and strengthening of the Tribal government and the delivery of Tribal government services.

**104—Application of 18 U.S.C. § 1161.** “Federal law forbids the introduction, possession and sale of liquor in Indian Country (18 U.S.C. § 1154 and other statutes), except when same is in conformity both with the laws of the State and the Tribe (18 U.S.C. § 1161). As such, compliance with this ordinance shall be in addition to, and not a substitute for, compliance with the laws of the State of Oklahoma.

**105—Administration of Ordinance.** The Business Committee, under its powers vested under the Constitution and Bylaws and this Ordinance, delegates to the Cheyenne and Arapaho Tax Commission the authority to exercise all of the powers and accomplish all of the purposes as set forth in this Ordinance, which may include the following actions:

A. Adopt and enforce rules and regulations for the purpose of effectuating this Ordinance, which includes the setting of fees;

B. Execute all necessary documents; and

C. Perform all matters and things incidental to and necessary to conduct its business and carry out its duties and functions under this Ordinance.

**106—Sovereign Immunity Preserved.**

A. The Tribes, are immune from suit in any jurisdiction except to the extent that such immunity has been expressly and unequivocally waived in writing by the Tribes.

B. Nothing in this Ordinance shall be construed as waiving the sovereign immunity of the Tribes or any of its constituent parts as described above, except that after exhaustion of the administrative remedies provided herein, a person appealing a final decision made pursuant to this Ordinance by the Tax Commission may appeal to the Tribal Court as specified in this Ordinance and such rules and regulations as may be prescribed by the Tax Commission.

**107—Applicability.** This Ordinance shall apply to all Tribal enterprises located within Tribal lands, consistent with applicable federal Indian liquor laws.

**108—Computation of Time.** Unless otherwise provided in this Ordinance,

in computing any period of time prescribed or allowed by this Code, the day of the act, event, or default from which the designated period time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday. For the purposes of this Ordinance, the term “legal holiday” shall mean all legal holidays under Tribal or Federal law. All papers mailed shall be deemed served at the time of mailing.

**109—Liberal Construction.** Provisions of this Ordinance shall be liberally construed to achieve the purposes set forth, whether clearly stated or apparent from the context of the language used herein.

**110—Applicable Taxes.** The Tax Commission shall enforce all applicable and lawful taxes imposed on the sale of Alcohol Beverages. The failure of any licensee to pay applicable taxes on the sale of alcohol may subject the licensee to, among other things, the revocation of said license.

## Chapter II—Declaration of Public Policy

**201—Matter of Special Interest.** The manufacture, distribution, possession, sale, and consumption of Alcohol Beverages within the jurisdiction of the Cheyenne and Arapaho Tribes of Oklahoma is a matter of significant concern and special interest to the Tribes.

The Business Committee hereby declares that the policy of the Tribes is to eliminate the problems associated with unlicensed, unregulated, and unlawful importation, distribution, manufacture, and sale of Alcohol Beverages for commercial purposes and to promote temperance in the use and consumption of Alcohol Beverages by increasing Tribal control over such activities on Tribal land.

**202—Federal Law.** The introduction of Alcohol Beverages within the jurisdiction of the Tribes is currently prohibited by federal law (18 U.S.C. § 1154) except as provided for therein, and the Tribes are expressly delegated the right to determine when and under what conditions Alcohol Beverages shall be permitted thereon (18 U.S.C. § 1161).

**203—Need for Regulation.** The Tribes find that the Federal prohibition upon manufacture, distribution, possession, sale, and consumption of Alcohol Beverages has proven ineffective and that the problems associated with same should be addressed by the laws of the Tribes, with all such business activities related thereto subject to the taxing and regulatory authority of the Cheyenne and Arapaho Tribes Tax Commission.

**204—Locations.** The Tribes find that the manufacture, distribution, possession, sale, and consumption of Alcohol Beverages shall be licensed under this Ordinance only where such activity will be conducted within or upon Tribal land.

## Chapter III—Definitions

As used in this Ordinance, the following words shall have the following meanings unless the context clearly requires otherwise:

**Alcohol.** “Alcohol” means the product of distillation of fermented liquid, whether or not rectified or diluted with water, but does not mean ethyl or industrial alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purposes.

**301—Alcohol Beverage.** “Alcohol Beverage” when used in this Ordinance means, and shall include liquor, beer, or spirits of wine, by whatever name they may be called, and from whatever source and by whatever process they may be produced, and which contain a sufficient percent of alcohol by volume which, by law, makes said beverage subject to regulation as an intoxicating beverage under the laws of the state where the beverage is sold.

**302—Applicant.** “Applicant” means any “person” who submits an application to the Tax Commission for an Alcohol Beverage license and who has not yet received such a license.

**303—Business Committee.** “Business Committee” means the duly elected Business Committee of the Cheyenne and Arapaho Tribes of Oklahoma.

**304—Constitution.** “Constitution” means the Constitution and By-Laws of the Cheyenne and Arapaho Tribes of Oklahoma.

**305—License.** “License” means an Alcohol Beverage license issued by the Cheyenne and Arapaho Tax Commission authorizing the importation, manufacture, distribution, or sale of Alcohol Beverages for commercial purposes under the provisions of this Ordinance.

**306—Licensee.** “Licensee” means a Tribal enterprise that holds an Alcohol Beverage license issued by the Tax Commission and includes any employee or agent of the Licensee.

**307—Liquor store.** “Liquor store” means any store or establishment at which liquor is sold and shall include any and all businesses engaged in the sale of Alcohol Beverages, whether sold as packaged or by the drink.

**308—Manufacturer.** “Manufacturer” means any person engaged in the manufacture of Alcohol Beverage.