

**309—Ordinance.** “Ordinance” means the Cheyenne and Arapaho Tribes of Oklahoma Alcohol Beverage Control Ordinance, as hereafter amended.

**310—Package.** “Package” means the sale of an Alcohol Beverage by delivery of same by a seller to a purchaser in any container, bag, or receptacle for consumption beyond the premises or the location designated on the license.

**311—Public Place.** “Public place” means and shall include Tribal, county, State, or Federal highways, roads, and rights-of-way; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; public restaurants, buildings, meeting halls, hotels, theaters, retail stores, and business establishments generally open to the public and to which the public is allowed to have unrestricted access; and all other places to which the general public has unrestricted right of access and that are generally used by the public. For the purpose of this Ordinance, “public place” shall also include any privately owned business property or establishment that is designed for or may be regularly used by more than the owner of same but shall not include the private, family residence of any person.

**312—Sale.** “Sale” and “Sell” means the exchange, barter, traffic, furnishing, or giving away for commercial purpose an Alcohol Beverage by any and all means, by whatever name commonly used to describe the same, by any person to another.

**313—Tax Commission.** “Tax Commission” means the Cheyenne and Arapaho Tax Commission created pursuant to the Cheyenne and Arapaho Tribes of Oklahoma General Revenue and Taxation Act of 1988.

**314—Tribal land(s).** “Tribal land(s)” shall mean and reference the geographic area that includes all land included within the definition of “Indian country” as established and described by federal law and that is located within the former reservation boundary of the Cheyenne and Arapaho Tribes of Oklahoma, including all tribally owned trust lands located within same as are now in existence or may hereafter be added to.

**315—Tribal Law.** “Tribal law” means the Tribal Constitution and all laws, Ordinances, codes, resolutions, and regulations now and hereafter duly enacted by the Tribes.

**316—Tribes.** “Tribes” shall mean the Cheyenne and Arapaho Tribes of Oklahoma.

#### Chapter IV—Sales of Alcohol Beverage

**401—Prohibition of the Unlicensed Sale of Alcohol Beverages.** This

Ordinance prohibits the importation, manufacture, distribution, or sale of Alcohol Beverages for commercial purposes, other than where conducted by a Tribal enterprise in accordance with this Ordinance. No license shall be issued to any person or entity other than a Tribal enterprise. The Federal liquor laws are intended to remain applicable to any act or transaction that is not authorized by this Ordinance, and violators shall be subject to Federal law.

**402—License Required.** Any and all sales of Alcohol Beverages conducted upon Tribal land shall be permitted only where the seller holds a current Alcohol Beverage license duly issued by the Cheyenne and Arapaho Tax Commission. A licensee has the right to engage only in those Alcohol Beverage transactions expressly authorized by such license in accordance with this Ordinance.

**403—Sales for Cash.** All sales of Alcohol Beverages conducted shall be conducted on a cash-only basis, and no credit for said purchase and consumption of same shall be extended to any person, organization, or entity except that this provision does not prohibit the payment of same by use of credit cards acceptable to the seller (including but not limited to VISA, MasterCard, or American Express).

**404—Personal Consumption.** All sales shall be for the personal use and consumption of the purchaser or his/her guest(s). The resale of any Alcohol Beverage purchased within or upon Tribal lands by an unlicensed seller is prohibited.

**405—Consumption of Liquor.** No Tribal operator shall permit any person to open or consume liquor on his or her premises or any premises adjacent thereto and in his or her control. The Commission will allow the consumption of liquor and shall identify where liquor may be consumed on Tribal Trust lands.

#### Chapter V—Licensing

**501—Eligibility.** Only applicants operating upon Tribal lands and owned and operated by the Cheyenne and Arapaho Tribes of Oklahoma shall be eligible to receive a license for the sale of any Alcohol Beverage.

**502—Application Process.** The Tax Commission may cause a license to be issued to any applicant as is deemed appropriate and not contrary to the best interests of the Tribes and its Tribal members. Any applicant that desires to be licensed to sell Alcohol Beverages and that meets the eligibility requirements of § 501 must apply to the Tax Commission of the Cheyenne and Arapaho Tribes for a license to sell or

to serve Alcohol Beverages. Any such person as may be empowered to make such application shall fully and accurately complete an application provided by the Tax Commission, and shall pay such application fee as may be required by the Tax Commission.

**503—Classes of Licenses.** The Tax Commission shall have the authority to issue the following classes of Alcohol Beverage licenses:

A. “Retail on-sale general license” means a license authorizing the licensee to sell Alcohol Beverages at retail to be consumed by the buyer only on the premises or at the location designated in the license. This class includes, but is not limited to, hotels where alcohol beverages may be sold for consumption on the premises and in the rooms of bona fide registered guests.

B. “Retail on-sale beer and wine license” means a license authorizing the licensee to sell beer and wine at retail to be consumed by the buyer only on the premises or at the location designated in the license. This class includes, but is not limited to, hotels where beer and/or wine may be sold for consumption on the premises and in the rooms of bona fide registered guests.

C. “Retail off-sale general license” means a license authorizing the licensee to sell Alcohol Beverages at retail to be consumed by the buyer off of the premises or at a location other than the one designated in the license.

D. “Retail off-sale beer and wine license” means a license authorizing the licensee to sell beer and wine at retail to be consumed by the buyer off of the premises or at a location other than the one designated in the license.

E. “Manufacturers license” means a license authorizing the applicant to manufacture Alcohol Beverages for the purpose of sale within Tribal land.

F. “Temporary license” means a license authorizing the sale of Alcohol Beverages on a temporary basis for premises temporarily occupied by the licensee for a picnic, social gathering, or similar occasion. Temporary licenses may not be renewed upon expiration. A new application must be submitted for each such license.

**504—Application Form and Content.** An application for a license shall be made to the Tax Commission and shall contain at least the following information:

A. The name and address of the applicant, including the names and addresses of all of the principal officers and directors, and other employees with primary management responsibility related to the sale of Alcohol Beverages;