

## Bureau of Indian Affairs

## HOOPA VALLEY TRIBE OF CALIFORNIA

## Ordinance Setting Forth Conditions for the Introduction, Possession, Transportation and Sale of Alcoholic Beverages

FEBRUARY 27, 1976.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 and in accordance with the Act of August 15, 1953, Public Law 277, 83rd Congress, 1st Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws relative to the Hoopa Valley Indian Tribe of California, was adopted January 8, 1976 by the Hoopa Valley Business Council which has jurisdiction over the twelve mile square area of Indian country referred to in the Ordinance as the Hoopa Valley Reservation reading as follows:

That the introduction, possession, transportation, and sale of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Tribe, provided:

**Section 1.** Conformity with laws of California and this Ordinance. That such introduction, possession, transport-

ation, and sale are in conformity both with the laws of the State of California and with this Ordinance.

**Section 2.** Corporate and tribal entity. The Hoopa Valley Business Council may 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.

**Section 3.** Tribal license required. No person shall engage in the sale of intoxicating beverages within the exterior boundaries of the Hoopa Valley Reservation unless duly licensed by the Tribe and the State of California.

**Section 4.** Application for tribal liquor license: Requirements. No tribal license shall issue under this Ordinance except upon a sworn application filed with the Business Council containing a full and complete showing of the following:

a. If the applicant is a nonIndian, satisfactory proof that the applicant is or will be duly licensed by the State of California.

b. Satisfactory proof that the applicant is of good character and reputation among the people of the Hoopa Valley Reservation, with particular reference to the Indian people, and that he 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, and a complete detailed, itemized inventory of all intoxicating beverages on and in the premises where the intoxicating beverages are to be sold.

d. Agreement by the applicant to accept and abide by the conditions of the tribal license.

e. Payment of a fee of not more than \$1500 per annum.

f. Satisfactory proof that the applicant is not an officer, member, or employee of the Business Council.

**Section 5.** Conditions of the tribal license. Any tribal license issued under this Ordinance shall be subject to the following conditions:

a. The license shall be for a term of one year.

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 law enforcement officers having proper jurisdiction for the purpose of enforcing applicable federal, state, and tribal laws and the licensee shall cooperate with such police and law officers.

d. The licensed premises shall be open to inspection by any member of the Hoopa Business Council or the duly authorized representative of the Council, at all times during the regular business hours.

e. All acts and transactions under authority of the tribal liquor license shall be in conformity with the laws of the

State of California, and shall be in accordance with this Ordinance and any tribal license issued pursuant to this Ordinance.

f. No person under the age of 21 shall be admitted into the premises of any establishment licensed for the sale or consumption on or off sale premises of distilled spirits.

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

**Section 6.** Cancellation and suspension. Any license issued hereunder may be suspended or cancelled by the Hoopa Business Council for the breach of any of the provisions of this Ordinance, or of the conditions of the tribal license, upon hearing before the Hoopa Business Council after ten days' notice to the licensee.

**Section 7.** Prior Tribal laws repealed. Ordinance No. 70-1 adopted October 8, 1970, by the Hoopa Valley Business Council, is hereby repealed.

**Section 8.** Effective Date. This Ordinance shall be effective March 9, 1976.

RAYMOND V. BUTLER,  
Acting Deputy Commissioner  
of Indian Affairs.

[FR Doc.76-6632 Filed 3-8-76; 8:45 am]

RESOLUTION OF THE HOOPA VALLEY TRIBE  
HOOPA INDIAN RESERVATION  
HOOPA, CALIFORNIA

ORDINANCE NO. 1-76

DATE APPROVED: 1-8-76

WHEREAS: The Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161, makes the Federal Indian liquor laws inapplicable to: Any act or transaction within any area of Indian country provided such act or transaction is in conformity both with the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the Federal Register, and;

WHEREAS: The Hoopa Valley Tribe did on June 20, 1972, adopt a Constitution and Bylaws which was approved by the Commissioner of Indian Affairs on August 18, 1972, and Article IX, Section 1.(1). To safeguard and promote the peace, safety, morals, and general welfare of the Hoopa Valley Indians by regulating the conduct of trade and the use and disposition of property upon the reservation.

WHEREAS: On October 8, 1970, the Hoopa Valley Tribe of the Hoopa Indian Reservation, Hoopa, California, (hereafter the Tribe) adopted Ordinance No. 70-1 providing: That the introduction, sale or possession of intoxicating beverages shall be lawful within the exterior boundaries of the Hoopa Valley Reservation under the jurisdiction of the Hoopa Tribe, provided, that such introduction, sale or possession is in conformity with the laws of California.

NOW, THEREFORE, BE IT ORDAINED by Resolution as follows:

That the introduction, possession, transportation, and sale of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Tribe, provided:

Section 1. Conformity with laws of California and this Ordinance. That such introduction, possession, transportation, and sale are in conformity both with the laws of the State of California and with this Ordinance.

Section 2. Corporate and tribal entity. The Hoopa Valley Business Council may 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.

Section 3. Tribal license required. No person shall

engage in the sale of intoxicating beverages within the exterior boundaries of the Hoopa Valley Reservation unless duly licensed by the Tribe and the State of California.

Section 4. Application for tribal liquor license: requirements. No tribal license shall issue under this Ordinance except upon a sworn application filed with the Business Council containing a full and complete showing of the following:

a. If the applicant is a nonIndian, satisfactory proof that the applicant is or will be duly licensed by the State of California.

b. Satisfactory proof that the applicant is of good character and reputation among the people of the Hoopa Valley Reservation, with particular reference to the Indian people, and that he 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, and a complete detailed, itemized inventory of all intoxicating beverages on and in the premises where the intoxicating beverages are to be sold.

d. Agreement by the applicant to accept and abide by the conditions of the tribal license.

e. Payment of a fee of not more than \$1500 per annum.

f. Satisfactory proof that the applicant is not an officer, member, or employee of the Business Council.

Section 5. Conditions of the tribal license. Any tribal license issued under this Ordinance shall be subject to the following conditions:

a. The license shall be for a term of one year.

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 law enforcement officers having proper jurisdiction for the purpose of enforcing applicable federal, state, and tribal laws and the licensee shall cooperate with such police and law officers.

d. The licensed premises shall be open to inspection by any member of the Hoopa Business Council, or the duly authorized representative of the Council, at all times during the regular business hours.

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

f. No person under the age of 21 shall be admitted into the premises of any establishment licensed for the sale or consumption on or off sale premises of distilled spirits.

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

Section 6. Cancellation and suspension. Any license issued hereunder may be suspended or cancelled by the Hoopa Business Council for the breach of any of the provisions of this Ordinance, or of the conditions of the tribal license, upon hearing before the Hoopa Business Council after ten days' notice to the licensee.

Section 7. Prior Tribal laws repealed. Ordinance No. 70-1 adopted October 8, 1970, by the Hoopa Valley Business Council, is hereby repealed.

Section 8. Effective Date. This Ordinance shall be effective upon publication in the Federal Register.

C E R T I F I C A T I O N

I, the undersigned, as Chairman of the Hoopa Valley Business Council, hereby certify that the Hoopa Valley Business Council is composed of eight members of which 8 were present, constituting a quorum at a Regular Meeting thereof; duly and regularly called, noticed, convened and held this 8<sup>th</sup> day of January, 1976; and that this Ordinance was duly adopted by a vote of 7 for with 0 against; and that said resolution has not been rescinded or amended in any way.

Dated: January 8, 1976

Peter H. Masten, Jr.  
Peter H. Masten, Jr., Chairman  
Hoopa Valley Business Council

ATTEST:

Deirdre R. Young  
Deirdre R. Young, Secretary  
Hoopa Valley Business Council

HOOPA VALLEY TRIBE OF CALIFORNIA

Application For Tribal License  
To Sell Intoxicating Beverages  
On the Hoopa Valley Reservation

1. Name of Applicant:
2. Name of Business
3. Business Address:
4. Description of premises and nature of business:
5. I am duly licensed by the State of California, Department of Alcoholic Beverage Control as follows:
  - on-sale general
  - off-sale general
  - beer and wine, off-sale premises
  - beer and wine, on-sale
6. I am not now licensed by the State, but have filed application for a license. Explain:
7. I am the (owner) (lessee) of the above described premises. If a lessee, give name of property owner and expiration date of the lease.

8. I am an officer, member, or employee of the Hoopa Valley Business Council.

I accept and agree to abide by following conditions of the Tribal License. I further agree and understand that if such license is issued to me, it may be suspended or cancelled by the Hoopa Business Council for the breach of any of these conditions or of Tribal Ordinance 1-76.

Conditions of the tribal license. Any tribal license issued under this Ordinance shall be subject to the following conditions:

a. The license shall be for a term of one year.

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 law enforcement officers having proper jurisdiction for the purpose of enforcing applicable federal, state, and tribal laws and the licensee shall cooperate with such police and law officers.

d. The licensed premises shall be open to inspection by any member of the Hoopa Business Council, or the duly authorized representative of the Council, at all times during the regular business hours.

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

f. No person under the age of 21 shall be admitted into the premises of any establishment licensed for the sale or consumption on or off sale premises of distilled spirits.

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

I declare under penalty of perjury that the foregoing is true and correct.

Dated:

BY: \_\_\_\_\_

Approved:  
HOOPA VALLEY BUSINESS COUNCIL

BY: \_\_\_\_\_

Dated: