

MAY 17 1985

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Bay Mills Reservation, Michigan

Ordinance Providing for the Introduction
of Intoxicating Liquors

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary - Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161. I certify that the Bay Mills liquor ordinance was duly adopted by the Bay Mills General Tribal Council on June 25, 1984 and amended on March 10, 1985. The instant ordinance provides for the introduction, use, sale and distribution of alcoholic beverages within areas of Indian country under the jurisdiction of the Bay Mills Indian Community of Michigan. The ordinance reads as follows:

/s/ Theodore C. Krenzke

Acting Deputy Assistant Secretary - Indian Affairs

RESOLUTION

This resolution is made this 25th day of June, 1984, by the Bay Mills Executive Council in accordance with the Constitution and Corporate Charter thereof.

Whereas, the Bay Mills Indian Community General Council has previously enacted a Tribal Criminal Code; and

Whereas, it has become apparent after several years of experience with the said Code that certain additions thereto are required in order to properly protect the health, safety, and welfare of the members of the Bay Mills Indian Community.

Now, Therefore Be It Resolved, that the following additions to the Tribal Code of the Bay Mills Indian Community are hereby adopted and enacted, subject only to the approval of the Secretary of the United States Department of the Interior, or his designate:

Chapter VI - Part Two - Section 660

ALCOHOLIC BEVERAGES

660. Alcoholic Beverages; Compliance with federal and tribal law with respect thereto. No Indian person shall sell, trade, transport, manufacture, use, or possess any beer, ale, wine, or other alcoholic beverage; nor any other substance whatsoever capable of producing alcoholic intoxication, nor aid nor abet any Indian person or non-Indian person in any of the foregoing, without first complying with the terms and conditions of the liquor ordinance of the Bay Mills Indian Community as approved by the General Tribal Council on June 25, 1984;

The federal Indian liquor laws and the ordinances of the Bay Mills Indian Community pertaining thereto: Any person violating the provisions of

this ordinance within the jurisdiction of the Bay Mills Indian Community shall be deemed guilty of an offense, and upon the conviction thereof, shall be sentenced to a period of imprisonment not to exceed six months, a fine not to exceed five hundred dollars (\$500), or both, such imprisonment and fine together with court cost.

661. Tribal Licenses for the Sale of Alcoholic Beverages; Procedure for Application and Issuance. Upon proper application submitted to the Executive Council of the Bay Mills Indian Community by an Indian person twenty-one (21) years of age or over; the said Council may issue a license for on-premises and/or off-premises sale of alcoholic beverages, on specific federal Indian reservation.

662. All applications for such licenses must be submitted to the Executive Council in writing, setting forth the name, address, age, and tribal affiliation of the applicant, together with the legal description of the premises upon which such sale is proposed to take place. ~~The form upon which such application shall be made shall be supplied by the Executive Council on the Bay Mills Indian Community and may require such further information as such Executive Council shall from time to time require of all such applications.~~

663. Licenses for the sale of alcoholic beverages issued by the Executive Council of the Bay Mills Indian Community shall remain the property of such applicant, and shall be effective for a period of one year from the date of issuance.

664. Number of Licenses to be Issued; Compliance by Licensees with certain State laws. The Bay Mills Indian Community Executive Council shall have the sole power and authority to determine, in its sole and only

discretion, the number of any type of licenses for the sale of alcoholic beverages that may from time to time be issued.

665. Any holder of a license for the sale of alcoholic beverages issued by the Executive Council of the Bay Mills Indian Community shall be required to comply, as a condition of retaining such license, with all applicable tribal laws and ordinances and shall further observe the laws of the State of Michigan, insofar as times of sale and minimum ages of persons to whom sales are made.

666. Executive Council to be sole judge of qualification of Applicants; Suspensions and/or Revocation of Licenses. The Executive Council of the Bay Mills Indian Community shall be the sole judge of the qualifications of applicants for licenses authorizing the licensee to sell alcoholic beverages. No applicant for such license shall be refused for arbitrary and/or capricious reasons; however, the Executive Council may take into ~~account its decision as to whether or not to issue such a license whether~~ or not the applicant has a prior criminal record, whether or not evidence exists that a person or persons other than the applicant will in reality have any financial or other interest in the licenses, and the prior conduct of the applicant as a licensee, if the applicant shall have previously been a licensee.

667. The Executive Council of the Bay Mills Indian Community may suspend or revoke the license issued to any applicant pursuant to these provisions for any violation of any provision of Chapter VI - Part Two - Section 660 or for any violation by the licensee, in the course of his business of selling alcoholic beverages of any portion of the criminal laws of the Bay Mills Indian Community.

Upon receipt of any complaint with respect to any tribal licensee, the Executive Council shall cause such complaint to be placed in writing, shall cause a copy of such complaint to be served personally or by registered mail upon the licensee, and shall cause a hearing to be held upon such complaint not less than (7) seven days nor more than twenty one (21) days after service of complaint upon the licensee. If at such hearing it is proved by a preponderance of the evidence that the allegations contained within the complaint are correct, and that the licensee has violated any of the provisions of Chapter VI - Part Two - Section 660, or during the course of operating his business for the sale of alcoholic beverages has violated any of the criminal statutes of the Bay Mills Indian Community, the Executive Council may impose a suspension or revocation of the license of the involved licensee, the determination of the type of penalty to be imposed in the sole and only discretion of the said Executive Council.

Certification

The foregoing resolution was duly adopted by the Bay Mills General Tribal Council with a quorum present during (regular - special) session on the 25th day of June, 1984, with a vote of 46 for, 8 against and 0 abstaining.

/s/ Corrine A. Cameron
Secretary
Bay Mills General Tribal Council

RESOLUTION

668. "The Ordinance in no way purports to assert criminal jurisdiction over non-Indians in violation of the present status of the law."

CERTIFICATION

The above section was duly adopted by the Bay Mills General Tribal Council at a meeting held at Bay Mills, Michigan on the 10th day of March, 1985, with a quorum present during regular session with a vote of 35 for 0 against and 3 abstaining.

/s/ Irma C. Parrish
Tribal Chairperson

/s/ Corrine A. Cameron
Secretary