



# SQUAXIN ISLAND TRIBE

**RESOLUTION NO. 07-25**  
**Of the**  
**SQUAXIN ISLAND TRIBAL COUNCIL**

**WHEREAS**, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises, and its agencies by authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

**WHEREAS**, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

**WHEREAS**, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and with protecting and managing the lands and treaty resources and rights of the Tribe; and

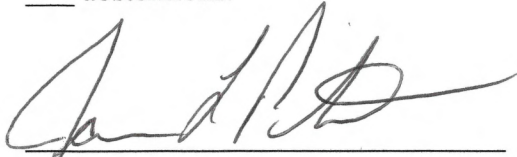
**WHEREAS**, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and

**WHEREAS**, the Squaxin Island Tribal Council finds that regulation of the sale of liquor throughout Indian country is essential to the health and welfare of the Squaxin Island Tribe and its members.

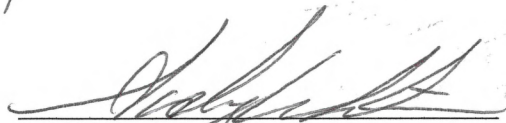
**NOW THEREFORE BE IT RESOLVED**, that the Squaxin Island Tribal Council hereby adopts amendments to the Liquor Sales Code as attached to this Resolution.

**CERTIFICATION**

The Squaxin Island Tribal Council does hereby certify that the foregoing Resolution was adopted at a regular meeting of the Squaxin Island Tribal Council, held on this 22<sup>nd</sup> day of March, 2007 at which time a quorum was present and was passed by a vote of 5 for and 0 against with 0 abstentions.



Jim Peters, Chairman



Andy Whitener, Vice Chairman

Attested by:

  
Vince Henry, Sr., Secretary

## Chapter 6.12

### LIQUOR SALES

#### Sections:

- 6.12.005 Authority.**
- 6.12.010 Findings and purpose.**
- 6.12.015 Scope.**
- 6.12.020 Definitions.**
- 6.12.030 Authority of the Tribal Council.**
- 6.12.040 Sales.**
- 6.12.050 Property control.**
- 6.12.060 Profits.**

#### **6.12.005 Authority.**

The Squaxin Island Tribal Council's authority to adopt the ordinance codified in this title is found in the Squaxin Island Tribal Constitution and in the inherent sovereignty of the Squaxin Island Tribe to regulate its own territory and activities therein. (Res. 07- (part))

#### **6.12.010 Findings and purpose.**

A. The introduction, possession, and sale of liquor ~~on Indian reservations~~ in Indian country have, since treaty times, been clearly recognized as matters of special concern of Indian tribes and the United States federal government. The sale of liquor ~~on reservations~~ in Indian country remains exclusively subject to their legislative enactments.

B. Beginning with the Treaty of Medicine Creek, Art. IX, to which the ancestors of the Squaxin Island Indian Tribe were parties, the federal government has respected this Tribe's determination regarding liquor-related transactions and activities ~~on the Squaxin Island Indian Reservation~~ in Indian country. At treaty times, the Squaxin Island Tribe's ancestors desired to exclude "ardent spirits" from their reservation. This desire was honored by Congress in the enactment of 18 U.S.C. Section 1154 and 18 U.S.C. Section 1161, which prohibited the introduction of liquor into the Squaxin Island Indian Reservation unless and until the Squaxin Island Indian Tribe has decided when and to what extent liquor transactions shall be permitted. The Squaxin Island Tribal Constitution, Art. III Section 1(b), empowers the Tribal Council to use and manage tribal property. The Tribal Council by this code is exercising this power by providing for tribal liquor sales ~~on the reservation~~ in Indian country as a tribal business. (Res. 07- (part); Res. 81-12 § 1; Res. 80-64 § 1; Res. 80-11; Res. 79-40 (part))

#### **6.12.015 Scope.**

A. Application. This chapter shall apply to the full extent of the sovereign jurisdiction of the Squaxin Island Tribe in Indian country.

B. Compliance with this chapter is hereby made a condition of the use of any land or premises in Indian country.

C. Deemed to Consent. Any person who resides, conducts business, engages in a business transaction, receives benefits from the Tribal government, including police, fire or emergency services, acts under Tribal authority, or enters the Indian country under the



jurisdiction of the Squaxin Island Tribe, shall be deemed thereby to have consented to the following:

1. To be bound by the terms of this chapter;
2. To the exercise of civil jurisdiction by the Squaxin Island Tribal Court over said person in legal actions arising pursuant to this chapter; and
3. To detainment, service of summons and process, and search and seizure, in conjunction with legal actions arising pursuant to this chapter. (Res. 07-\_\_ (part))

#### **6.12.020 Definitions.**

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

“Alcohol” means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance.

“Alcoholic beverage” is synonymous with the term liquor as defined in this section.

“Beer” means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than four percent of alcohol by volume. For the purposes of this chapter, any such beverage, including ale, stout, and porter, containing more than four percent of alcohol by weight shall be referred to as “strong beer.”

“Council” means the Squaxin Island Tribal Council.

“Indian country”, consistent with the meaning given in 18 U.S.C. 1151 means:

(a) All land within the limits of the Squaxin Island Indian Reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights of way running through the reservation; and

(b) All Indian allotments or other lands held in trust for a Squaxin Island Tribal member or the Tribe, the Indian titles to which have not been extinguished, including rights of way running through the same.

“Liquor” includes the four varieties of liquor herein defined (alcohol, spirits, wine, and beer), and all fermented, spirituous, vinous, or malt liquor or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous, or malt liquor, or otherwise intoxicating; and every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid, semi- solid, solid, or other substances, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

“Malt liquor” means beer, strong beer, ale, stout, and porter.

“Package” means any container or receptacle used for holding liquor.

“Public place” includes streets and alleys of incorporated cities and towns; state or county or tribal or federal highways or roads, buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may not be sold under this chapter, soft drink establishments, public buildings, public meeting halls, lobbies, halls, and dining rooms of hotels, restaurants, theaters, stores, garages, and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to



unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds, and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

“Sale” or “sell” include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever of liquor, or of any liquid known or described as beer or by any name whatsoever commonly used to describe malt or brewed liquor or wine, by any person to any person.

“Tavern” means any establishment with special space and accommodations for sale by the glass and for consumption on the premises, of beer, as herein defined.

“Tribal Council” means the Squaxin Island Tribal Council.

“Wine” means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during, or after fermentation, and containing not more than seventeen (17) percent of alcohol by weight. (Res. 07-\_\_ (part): Res. 81-12 § 2: Res. 80-64 § 2: Res. 79-40 (part))

#### **6.12.030 Authority of the Tribal Council.**

A. General. The Tribal Council shall have complete authority to carry out and enforce the provisions of this code, and to delegate such of its responsibilities as it deems appropriate.

B. Tribal Council Not to Profit. Members of the Tribal Council may not accept any gratuity related to their provision for liquor sales, and may not have a personal business interest in such sales on the reservation.

C. Powers and Duties. The Tribal Council shall have the following powers and duties:

1. To make, publish, and enforce necessary rules and regulations governing the ~~tribal business of the~~ sale and distribution of alcoholic beverages ~~on the reservation~~ in Indian country;

2. To provide for the sale of liquor under Council authority, and to employ managers and other personnel as shall be reasonably necessary to allow the Council to perform its functions;

3. To provide for appropriate warehouse and sales facilities;

4. To contract with liquor wholesalers and distributors for the purchase and delivery of alcoholic beverages; and

5. To take orders, receive and distribute shipments of alcoholic beverages, establish wholesale base prices, set and collect taxes and fees, and to keep accurate records, books and accounts.

D. Inspection. The Council may at any time inspect warehouse or sale areas on ~~the reservation~~ in Indian country, and all financial records of purchases and sales. (Res. 07-\_\_ (part)): Res. 81-12 § 3: Res. 80-64 § 3: Res. 79-40 (part))

#### **6.12.040 Sales.**

A. All Sales by Tribe. All sales ~~on the reservation~~ in Indian country shall be made by the Squaxin Island Tribe or its enterprises, except as otherwise specifically approved by the Tribal Council.

B. Sales – Method of Payment. All sales at ~~reservation~~ in Indian country liquor stores,

bars, taverns, gaming facilities, hotels, restaurants, and other similar locations shall be on a cash, cash equivalent, credit card or check only basis and no credit shall be extended to any person, organization, or entity.

C. Sale to Minors. No ~~tribal~~ liquor store, bar, tavern, gaming facility, hotel, restaurant, or other location in Indian country shall sell liquor to any person under twenty-one (21) years of age. Any one of the following which shows the person's current age and bears his or her signature and photograph shall be suitable for identification purposes, if valid:

1. Liquor control authority card of any state;
2. Driver's licenses of any state or "identification card" issued by any state department of motor vehicles;
3. United States active duty military identification;
4. Passport; and
5. Tribal identification or enrollment card.

D. Refusal to Sell. A ~~tribal~~ liquor store, bar, tavern, gaming facility, hotel, restaurant, or other location in Indian country ~~may~~shall refuse to sell liquor to persons under the following circumstances:

1. When that person does not provide satisfactory proof that he or she is at least twenty-one (21) years of age;
2. When that person is apparently intoxicated; or
3. When the Tribal Council has determined that a particular person and/or his or her family is significantly detrimentally affected by the abuse of alcohol.

E. Sunday Sales. No sales shall take place on Sunday at ~~Tribal~~ liquor stores in Indian country except as provided by the Tribal Council. Sales may take place on Sunday at restaurants, bars, taverns, gaming facilities, hotels, and other similar locations. (Res. 07- (part): Res. 81-12 § 4: Res. 80-64 § 4: Res. 79-40 (part))

#### **6.12.050 Property control.**

A. Liquor Stamp. No alcohol beverage except for wine and beer shall be sold by a ~~tribal~~ liquor store in Indian country unless its package has affixed to it a stamp of the Council.

B. Restricted Tribal Property. The entire stock of liquor and alcoholic beverages owned by the Tribe and kept for sale ~~on the reservation~~in Indian country shall remain restricted property of the Tribe until sold. (Res. 07- (part): Res. 81-12 § 5: Res. 80-64 § 5: Res. 79-40 (part))