

Chapter 59
ALCOHOL BEVERAGE LICENSING LAW
Lonathnekahinu kayan/khsla
they sell alcohol their laws

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59.1. Purpose and Policy

59.1-1. It is the purpose of this law to govern the sale of alcohol beverages by businesses owned by the Tribe or incorporated under the laws of the Tribe, on all land within the exterior boundaries of the Oneida Reservation and any lands added thereto pursuant to federal law.

59.1-2. It is the policy of the Oneida Tribe of Indians of Wisconsin to provide minimum guidelines by which businesses under the jurisdiction of this law selling alcohol beverages, for immediate consumption or carry-out, may be licensed.

59.1-3. The Oneida Tribe of Indians of Wisconsin, under this law, reserves the right to regulate all sales of liquor within the reservation boundaries.

59.1-4. The validity of a Tribal License is dependent upon the compliance of its holder with all provisions of this law and the laws of the State of Wisconsin that relate to the sale and/or possession of alcohol beverages.

59.2. Adoption, Amendment, Repeal

59.2-1. This law was adopted by the Oneida Business Committee by Resolution BC-03-05-97-D and amended by BC-7-16-03-A and BC-01-27-10-B. Further, this law is enacted pursuant to Public Law 33-277, 67 Stat. 588, 18 U.S.C. 1161.

59.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council.

59.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

59.2-4. Resolution BC-6-3-86-A is repealed by this law, however, nothing in this law is intended to repeal or modify any other existing law, ordinance, policy, regulation, rule, resolution or motion. In the event of a conflict between a provision of this law and a provision of another law, ordinance, policy, regulation, rule, resolution, or motion, the provisions of this law shall control.

59.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

59.3. Definitions

59.3-1. This section shall govern the definitions of words and phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Alcohol beverages" means fermented malt beverages, wine and intoxicating liquor.

(b) "Department" means the Oneida Licensing Department.

(c) "Person" means a natural person, sole proprietorship, partnership, corporation, or association.

(d) “Premises” means the area described in a Tribal license.

(e) “Tribal license” means an authorization to sell alcohol beverages issued by the Oneida Tribe of Indians of Wisconsin.

59.4. Tribal Licenses

59.4-1. *Application for a Tribal License.* An application for a Tribal license to sell alcohol beverages shall be submitted to the Secretary of the Oneida Business Committee. The application shall contain the following information:

(a) The name(s) of the person applying for the Tribal license.

(b) The address and telephone numbers of the applicant(s).

(c) The premises, to include building and/or address, where the applicant will sell the alcohol beverages.

(d) A copy of the local municipality (town, village, or city) or Wisconsin Department of Revenue license to sell alcohol beverages.

(e) A business plan indicating that with a license to sell alcohol beverages the business would be more profitable and competitive.

59.4-2. The Department shall issue Tribal licenses, upon adoption of a resolution by the Oneida Business Committee granting such license. Tribal licenses may be granted subject to any reasonable and lawful condition of the Oneida Business Committee at the time of granting, renewing or reviewing the Tribal license. The Department shall also keep necessary records and enforce this law.

59.4-3. *License Fees.* The fee for a Tribal license shall be set at \$100.00 per location, including any surrounding contiguous premises, per year.

59.4-4. A Tribal license shall:

(a) run concurrent with the license issued by the municipality or Wisconsin Department of Revenue; and

(b) explicitly state that continued validity of the license is dependent upon the compliance of its holder with all provisions of this law and the laws of the State of Wisconsin that relate to the sale and/or possession of alcohol beverages.

59.5. Violations of Law

59.5-1. The Department is authorized to report any violations of the laws of the State of Wisconsin that relate to the sale and/ or possession of alcohol beverages to the entity that issued the license submitted as part of the application for a Tribal license under 59.4-1(d).

59.5-2. The Department shall revoke or suspend a licensee’s Tribal license if the licensee’s municipal or Wisconsin Department of Revenue license is revoked or suspended.

End.

Adopted-BC-3-5-97-D

Amended-BC-7-16-03-A

Emergency Amended-BC-07-08-09-C

Amended-BC-01-27-10-B