

**CHIPPEWA CREE TRIBAL COURT  
TITLE XXVIII  
BUSINESS LICENSE CODE  
ORDINANCE**

**TABLE OF CONTENTS:**

**Section 1 – Purpose.....1**

**Section 2 – Definitions.....1**

**Section 3 – Trade, Business, or Professional License Entities.....1**

**Section 4 – Procedures.....5**

**Section 5 – Posting.....6**

**Section 6 – Duration.....6**

**Section 7 – Failure to Apply for a License.....6**

**Section 8 – Sanctions.....7**

**Section 9 – Disposition of Funds.....8**

## SECTION ONE PURPOSE

### I. This Code has the following purposes:

- A. To make it possible for the Chippewa Cree Tribe to monitor and regulate Business Development on the Rocky Boy's Reservation.
- B. To ensure that land available for commercial use is utilized to further tribal goals as much as possible, so that other reservation resources are not abused or exploited, and so the health, safety welfare, and morals of Reservation residents are not threatened.
- C. To ensure that people who benefit from regular use reservation land and other reservation resources contribute to tribal efforts to protect and rationally develop those resources.

## SECTION TWO DEFINITIONS

### I. Definitions:

- A. For the purpose of this code "Trade, Business or Professional" means any activity whose goal is financial gain, or advantages to the person(s) who engage in the activity. It includes provisions of service.
- B. "The Court" except where otherwise specified, means the Chippewa Cree Tribal Court having jurisdiction over civil actions.
- C. "The Reservation" means the land within the exterior boundaries of the Rocky Boy's Indian Reservation and including any lands described as "Indian Country" in 18 U.S.C. 1151 (a)(b)(c). Over which the Chippewa Cree Tribe has jurisdiction.
- D. "Temporary License" means a permit to do business on the Rocky Boy's Reservation for a period not to exceed ten days.
- E. "The Tribe" means the Chippewa Cree Tribe.

## SECTION THREE TRADE, BUSINESS OR PROFESSIONAL LICENSE ENTITIES

### I. Trade, Business or Professional License Entities Required to Obtain:

- A. Every entity, including, but not limited to, an individual, a group of individuals, a sole proprietorship, partnership, association, joint ventures, or corporation, which, prior to the effective date of this code, was engaged in a trade, business, or profession, or commercial activity of any sort within the exterior boundaries of the reservation shall, prior to October 1 and each calendar year thereafter, file with the Chippewa Cree Tribal Secretary/Treasurer, an application for a business license which, upon issuance, shall entitle such entity to engage in the kind(s) of business activity at the location(s) listed in the application.
- B. Every entity, including, but not limited to, an individual, group of individuals, sole proprietorship, partnership, association, joint venture, or corporation, intending to engage in a trade, business, profession, or commercial activity of any sort within the exterior boundaries of the reservation, but which was not engaged in such activity prior to December, 1991, shall prior to commencing business within the exterior boundaries of the reservation, and prior to October 1 of each calendar year thereafter, file with the Chippewa Cree TERO Director, an application for a business license, which, upon issuance, shall entitle said entity to engage in the kind(s) of business activity at the location(s) listed in the application.
- C. Each application shall be accompanied by a fee set by tribal resolution on a yearly basis which shall constitute the license fee.
- D. An application for a temporary license shall be accompanied by a fee set by tribal resolution on a yearly basis which shall constitute the license fee.
- E. All Tribal businesses, or entity's operating on the Rocky Boy Reservation must submit a list of all vendors they buy goods or services to the Chippewa Cree TERO Director on October 31 of each fiscal year.
- F. All tribal programs and their Directors must report all vendors they work with on October 31 of each fiscal year to the Chippewa Cree TERO Director.
- G. No license fee shall be required:
1. of any church, welfare agency, Rocky Boy's Pow-Wow Committee, or other organization, recognized by the tribe, engaged in raising funds for charitable and religious purposes.
  2. of any school, athletic or educational organization, who may charge fees for football games, baseball games, basketball games, social dances, where such receipts from such activities do not accrue to the personal benefit of any individual.

3. of any enrolled member of the tribe residing on the Rocky Boy Reservation and trading and selling traditional arts and crafts items who do not have an established place of business.
- H. A copy of the license application form may be obtained during regular business hours at the office of the Chippewa Cree TERO Director. The license required to be obtained under the provisions of this subsection shall be in addition to all other license fees and permits required by law.

## SECTION FOUR PROCEDURES

### **I. Procedures:**

- A. Within ten working days after receipt of an application and fee, as provided for in Section 3, the Chippewa Cree Business Committee shall issue to said applicant a tribal license to engage in business activity on the Reservation. Said license shall indicate the kind(s) and location(s) of business activity for which the entity has been licensed.
- B. A temporary license shall be issued on the same day by the Chippewa Cree TERO Director upon the completion of the application mentioned in Section 3 and when the appropriate fees have been collected.
- C. Notwithstanding subsection (A) of this Section, no license shall be granted to any entity until it has presented proof to the Chippewa Cree Business Committee that it has complied with all tribal requirements established as conditions of commencing business on the Reservation, including but not limited to the following:
  1. pursuant to the Tribal Employment Rights Office codes, evidence that the entity has submitted to the appropriate enforcing agency the compliance plans required by those ordinances and has had such plans approved by the enforcement agency(s);
- D. Notwithstanding subsection A of this Section, where the Chippewa Cree Tribal Business Committee has reason to believe that an entity applying for a license, pursuant to Section 3, shall, if permitted to commence business on the Reservation, present a danger to the health, safety, welfare, or morals of the Reservation, present a danger to the health, safety, welfare, or morals of residents of the Reservation, the Chippewa Cree Tribal Business Committee shall, within ten working days, provide said entity with a written notice setting out the reason it believes the entity presents such a danger and noticing a date for a hearing. said hearing to be held no later than ten days after the delivery of said notice. At said hearing the entity shall be given an opportunity to demonstrate that its business activity does not present a danger to the health, safety, welfare, or

morals of the residents of the Reservation. The Chippewa Cree Tribe Business Committee finds, by a preponderance of the evidence, that a danger does exist, they shall, within two days, so notify said entity, in writing, stating the reasons for their finding. Said entity may appeal to the Chippewa Cree Tribal Court and shall be entitled to an expedited hearing on the matter.

## **SECTION FIVE POSTING**

### **I. Posting:**

Every entity issued a license pursuant to Section four shall post it in a conspicuous place at the business location listed on the license, or, if it lists more than one location, it shall post a notice indicating the location at which the license is posted.

Vendor cards will be issued by the Chippewa Cree TERO Director to all vendors and the cards must be visible any time the vendor is transacting business within the boundaries of the Rocky Boy Reservation.

## **SECTION SIX DURATION**

### **I. Duration:**

All license issued under this title shall remain in effect for ten days in the case of a temporary permit or for the duration of the calendar year for which issued unless revoked as provided by this title or under the provisions of any other Tribal Code and shall expire at midnight on the 31<sup>st</sup> day of September of each year. No license may be transferred to any other part.

## **SECTION SEVEN FAILURE TO APPLY FOR A LICENSE**

### **I. Failure to Apply for a License:**

- A. An entity doing business on the Reservation which fails to obtain a license as provided in this code shall in addition to being required to immediately obtain such a license and pay the requisite fee, be fined \$50.00 per day for each day it operated on the Reservation without a license, unless good cause is shown to the Chippewa Cree Business Committee as to why such a license had not been obtained in a timely manner. If the Chippewa Cree Business Committee becomes aware that an entity is conducting business on the reservation without a license, there shall be delivered, by hand, notice to the entity informing it that it is operating on the Reservation in violation of this code and

that it shall, within two days, obtain such a license and pay such fines as are indicated in the letter.

B. Any entity doing business on the Reservation without a license which fails to obtain a license within the time period required by the Chippewa Cree Business Committee as provided for in subsection A above, or any entity whose license to do business has been revoked by any court or agency of competent jurisdiction pursuant to any provision of this or any other tribal code, shall immediately cease to carry out business on the reservation; provided that, upon a showing of good cause, the Chippewa Cree Business Committee may grant the entity a reasonable period during which to conclude his business so long as, during that time, the continuations of such business does not endanger the health, safety, welfare, or morals of residents of the Reservation. Where notice to cease business issued by the Chippewa Cree Business Committee, it shall be hand delivered to the business entity by an employee of the Chippewa Cree Business Committee.

## SECTION EIGHT SANCTIONS

I. **Sanctions:** If an entity doing business on the Reservation that has been directed by the Chippewa Cree Business Committee or the court to cease doing business on the Reservation, either pursuant to the revocation of its license to do business on the Reservation under any other tribal code, fails to comply, the Chippewa Cree Business Committee shall petition the court for a show cause as to why said business shall not be ordered to stop doing business and/or why said business shall not be excluded from the Reservation. Where the Chippewa Cree Business Committee alleges that the business presents a danger to the health, safety, welfare, or morals of residents of the Reservation, the court shall hold an expedited hearing. If said entity fails to appear or fails to show good cause, the court shall order the tribal police to take appropriate action which may include the following but is not limited to:

- A. Where the person or persons engaging in business are not members of the Chippewa Cree Tribe, the court shall order the police to physically remove all such persons from the Reservation along with any personal property used in the conduct of said business that can be removed without causing permanent damage to it. For property which cannot be so removed, such as a building the court shall order, and the police shall implement, the incapacitation of said property by padlocking or other means so that it can no longer be used to carry out business.
- B. Where the person or persons doing business in violation of this code are Tribal members, they shall be ordered by the court to cease and desist from conducting business and all personal property shall be impounded, padlocked, or otherwise incapacitated so that it cannot be used to carry out any further

business on the Reservation. A corporation, partnership, or other entity shall be considered a tribal "member" for purposes of this section.

- C. An entity excluded or incapacitated under this provision shall be granted a new license to engage in business activity on the Reservation only if:
1. no less than six months have passed since the date of the exclusion order; and
  2. the entity has paid all costs incurred by the tribe in carrying out the exclusion or incapacitation order and has paid such fine as the court deems appropriate, but not to exceed \$500.00.
  3. notwithstanding the provisions of subsections 1, and 2 of this section, the Chippewa Cree Business Committee may, for good cause, deny such an entity a new license, may attach such conditions as are appropriate upon the granting of a license, or may waive or mitigate the provisions of subsections 1 and 2 of this section.

## **SECTION NINE DEPOSITION OF FUNDS**

### **I. Deposition of Funds:**

License fees payable under this title shall be placed by the Secretary/Treasurer into the Tribal general account and used to cover administration costs of the Tribes licensing procedures.