

**RENO SPARKS INDIAN COLONY
ORDINANCE 40**

**Title 12 – Chapter One
¹Business License ²**

12-01-01 BUSINESS LICENSE REQUIRED

- 1) Every business or natural person who engages in a business within the jurisdictional boundaries of the Reno-Sparks Indian Colony must obtain a Reno-Sparks Indian Colony business license before operating or conducting such business on the Colony, including any roaming business(es) {e.g. ice cream; frozen foods; roadside food-stands; sidewalk sales; door to door solicitations; vending machines}. A business license issued by the Reno-Sparks Indian Colony is deemed to be a privilege, not a right.

12-01-02 DEFINITIONS

- 1) As used in this ordinance, unless the context requires otherwise, the following words shall have the meanings set forth in this ordinance as such;
- 2) “Business or doing business” includes a corporation, partnership, sole proprietorship, business association, or natural person who conducts an activity or who performs a service or engages in a trade for the purpose of generating a profit.
- 3) A “Business or doing business” does **NOT** include:
 - a. A nonprofit religious, charitable, fraternal or other organization that qualifies as tax-exempt under 25 USC 501(c), or Tribal Law; or
 - b. Native American’s who make and/or sell traditional Native American arts and crafts from their home or within the jurisdictional boundaries of the Reno-Sparks Indian Colony; or
 - c. Colony residents who hold occasional yard, rummage, craft, bake or miscellaneous sales; or
 - d. Vendors at occasional events on the Reno-Sparks Indian Colony, such as pow-wows, community related sales or other cultural activities; or
 - e. Businesses owned and operated by the Tribe.

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¹ Tribal Council Approved Amendment 8/21/2005-Resolution # RS-2005-74

² Tribal Council Approved Amendment 01/12/2011 - Resolution # RS-2011-01

12-01-03 TERM OF LICENSE

- 1) Annual business licenses shall be issued for the term of one (1) calendar year (January to December) and must be renewed annually on or before January 30th of each year thereafter.
- 2) Business licenses issued within the calendar year for certain services or trades, as defined in section 12-01-02(2) will be calculated from the start date to December 31st, and will then be renewable and defined as an annual business license as state in section 12-01-03(1).
- 3) Temporary business licenses that fall under the guidelines of section 12-01-10 will be issued for businesses or natural persons not to exceed sixty (60) days.
- 4) Business licenses issued are NON-TRANSFERABLE, if and when ownership of a business has in any form changed, a new Registration Form will need to be completed and submitted with the appropriate fee(s).

12-01-04 Fee

- 1) Except as otherwise provided herein all fees for licenses shall be paid in advance and accompanied by a Business License Registration Form prior to the business license being issued.
 - a. There shall be a **One Hundred Twenty-Five Dollar (\$125.00)** business licensing fee per calendar year for every business and/or natural person as defined in section 12-01-02(2);
 - b. ~~There shall be a Seventy-Five Dollar (\$75.00) business licensing fee for every business and/or natural person as defined in section 12-01-02(2) that DOES NOT EXCEED sixty (60) days;~~
 - c. **A Fifteen Dollar (\$15.00) Administrative fee is assessed to each business license issued.**
- 2) The Tribal Council or their designee may waive the fee on an annual basis if the business generates less than \$5,000.00 in gross revenues per year, documentation (i.e. IRS tax return; audited business records) will need to be provided with the original Business License Registration Form and presented to Tribal Council or their designee for approval.
- 3) The Tribal Council or their designee may waive the business license fee(s) for the first year for any new business located on the Colony.
- 4) The Tax/Revenue Department will impose a late penalty fee of **Fifty Dollars (\$50.00)** to any business that has not submitted their annual business license application on or before January 30th (**NO EXCEPTIONS**).
- 5) If a "Business or doing business" as defined in section 12-01-02(2) has initiated any form of work and/or service on any project or contract and no business license has/was issued by the Tax/Revenue Department an additional fee of **One Hundred Fifty Dollars (\$150.00)** will automatically be assessed to the original business license registration fee.
- 6) Refunds will only be approved and issued by the Tribal Council, an automatic **Twenty-Five dollar (\$25.00)** administration fee will be taken and then monthly rent will be prorated for the days/months applicable. This request will need to be in writing along with documentation/verification that the original fee was paid, and will be the sole responsibility of the business or natural person requesting such a request. **NO REFUND** will be issued if a business license has been revoked by Tribal Council as described in Section 12-01-08.

12-01-05 APPLICATION

- 1) A business shall apply to the Tax/Revenue Department for a business license, at which time the Tax/Revenue Department will provide a license application form. This form shall include the following information:
 - a. Name, address, and telephone number of the business;
 - b. Number of employees employed in the previous calendar quarter, or, for new businesses, number of employees expected to be employed in the first calendar quarter of operation;
 - c. Nature of business to be conducted along with project and/or department name; and
 - d. Signature of owner or authorized representative.
- 2) The applicant shall supply documentation that any other licenses required by Reno-Sparks Indian Colony or federal law or statute are in force or are awaiting issuance. This shall include Reno-Sparks Indian Colony sales/use tax permits for any/all sellers and/or construction contracts as described in Section 12-01-02(1).
- 3) Payment of the appropriate fee must accompany the license application.

12-01-06 LICENSE

- 1) When the Tax/Revenue Department receives a completed application and the appropriate fee(s), it will then issue a license, which shall show the name, address and nature of the business along with the location or project/contract site, and shall be signed the Tribal Chairman or the Vice-Chairman.
- 2) Each Business as described in Section 12-01-02(1) is required to, at all times, post the license in a prominent place on the premises and is an official receipt of payment. For those businesses that are mobile or roaming they are required to be kept within his/her person in the event a situation occurs that requires them to immediately produce the license.

12-01-07 REFUSAL TO ISSUE LICENSE

- 1) Notwithstanding the provisions of *Section 12-01-06*, the Reno-Sparks Indian Colony may refuse to issue a license if it has reason to believe that the business will present a danger to the health, safety or welfare of the residents of the Reno-Sparks Indian Colony. A written notice of the reasons for the denial shall be mailed to the applicant within ten (10) days of receipt of the application.
- 2) A license applicant who has been denied a license may file a written appeal with the Tribal Administrator within ten (10) days of receipt of the notice of denial. The Tribal Administrator shall appoint a panel of three (3) impartial persons to hear the appeal as soon as possible, but in no situation any longer than ten (10) days after receipt of the notice of appeal. The panel shall make a final decision on whether a license may be issued and shall issue its decision to both the appellant and the Tax/Revenue Department within two (2) days of the hearing. The decision of the panel shall be considered final. The applicant shall not have the right to appeal the matter to the Tribal Court or Tribal Council.

12-01-08 REVOCATION OF LICENSE

- 1) Licenses issued under the provisions of this chapter may be revoked or suspended by the Tribal Council **ONLY** and upon a forty-eight-hour written notice for any of the following causes:
 - a. Fraud or misrepresentation in the license application; or
 - b. If, or should an operation of a business, as described in Section 12-01-02(1), constitutes an immediate, clear and present danger or threat to the health, peace, safety or welfare of the Reno-Sparks Indian Colony;
 - c. Failure to comply with any other Reno-Sparks Indian Colony law.
- 2) Notice of the proposed revocation or suspension shall be given in writing, setting forth the specific grounds for the revocation or suspension. The notice shall be signed by the Tribal Chairman or Vice-Chairman.
- 3) A business license holder whose license is revoked may file a written appeal to the Tribal Administrator in accordance with the procedures of *Section 12-01-07(2)*. The decision of the panel shall be considered final.

12-01-09 TRANSACTION BUSINESS WITHOUT A LICENSE

- 1) A civil action may be maintained in Tribal Court to prevent, restrain, or enjoin a violation of any provision of *Section 12-01-01* through *Section 12-01-06*. The Tax/Revenue Department upon the written approval of the Tribal Chairman may institute an action.
- 2) If such a violation is established, the court shall enjoin and restrain, or otherwise prohibit the violation, and the Court may:
 - a. Enjoin the business from operations;
 - b. Impose a civil penalty, not to exceed **One Thousand Dollars (\$1,000)** per violation; and
 - c. May order the Tribal Police to remove any non-residents or business as described in Section (12-01-02(1)) from the Reno-Sparks Indian Colony, and any person from the unlicensed place of business.

12-01-10 TEMPORARY LICENSE

- 1) Temporary licenses may be issued to businesses, as described in Section 12-01-02(1), that operate for sixty (60) days or less. Such businesses shall make the same application as provided under Section 12-01-05 and the licenses shall be issued in the same manner as provided under Section 12-01-06.
- 2) When the business license is issued by the Tax/Revenue department it will indicate on the original license that it is: "Temporary – Not to Exceed (60) days".

12-01-11 ADMINISTRATION

- 1) The Tax/Revenue Department of the Reno-Sparks Indian Colony shall have the authority to administer and enforce this Chapter.

12-01-12 EXISTING BUSINESSES OPERATING ON (THE) RENO-SPARKS INDIAN COLONY

- 1) Any business being operated on the RENO-SPARKS INDIAN COLONY as of the effective date of this ordinance does not need to obtain a business license until January 15th, 1999. Businesses operating on the RENO-SPARKS INDIAN COLONY without a license as of the effective date of this ordinance shall only be subject to the penalties as set forth in *Section 12-01-09* after January 15th, 1999.

RESOLUTION 2011-RS-01



RESOLUTION OF THE RENO-SPARKS TRIBAL COUNCIL

WHEREAS, the Tribal Council of the Reno-Sparks Indian Colony is organized pursuant to the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended to provide for certain rights of home rule and to be responsible for the general welfare of its membership; and

WHEREAS, the Tribal Council of the Reno-Sparks Indian Colony is empowered under Article VI, Section 1 (e), of the Tribal Constitution "to manage all economic affairs and enterprises of the Colony, including the assessment of fees on members and non-member doing business within the boundaries of the Colony"; and

WHEREAS, the Tribal Council is empowered by Ordinance No. 29 of the Reno-Sparks Indian Colony to amend or revise an existing ordinance at any time without the need to provide advance notice or reading; and

WHEREAS, the Tribal Council finds that the Business License Ordinance, No. 40, requires updating, through amendment, a clear definition of a business, terms of a license, increase in annual and temporary fees, clarification of fees, including refund process, and general overall updating; and

NOW, THEREFORE BE IT RESOLVED, that the Reno-Sparks Indian Colony Tribal Council approves and authorizes the aforementioned updating and amending of the Business License Ordinance, No. 40, a copy of which is attached hereto, and **effective FEBRUARY 1, 2011**.

CERTIFICATION

I, the undersigned, as Secretary of the Reno-Sparks Indian Colony Tribal Council, hereby certify that the Tribal Council is composed of nine (9) members of whom eight (8) members constituting a quorum were present at a duly called meeting held on 12th day of January 2011, and that the foregoing Resolution was duly adopted by a vote of seven (7) for, zero (0) against, and one (1) abstention, pursuant to the authority contained under the Constitution of the Reno-Sparks Indian Colony.

/S/

VERAN J. NUNO, Secretary
Reno-Sparks Tribal Council