

The Law and Order Code of the Shoshone and Arapahoe Tribes of the Wind River Indian Reservation, Wyoming.

Chapter 17 BUSINESS LICENSE CODE

Section 14-17-1 Purpose

This code has the following purposes:

(1) To make it possible for the Shoshone and Arapahoe Tribes to monitor and regulate business development on the Wind River Reservation so that scarce commercial land is used to further tribal goals as much as possible, so that other reservation resources are not abused and over-exploited, and so that the health, safety, and welfare of reservation residents are not threatened.

(2) To ensure that people who benefit from regular use of reservation land and other reservation resources contribute to tribal efforts to protect and rationally develop those resources.

This code should be liberally interpreted to achieve the purposes stated here.

Section 14-17-2 Business License Required

Every person who carries on business activity within the Wind River Reservation must obtain a Wind River Tribal License for the business that will be carried on. This does not apply to businesses wholly owned by the Shoshone & Arapahoe Tribes, or to Indians trading and selling traditional arts and craft items. (Form XIV-31)

Section 14-17-3 Definitions

(1) For the purposes of this code, “business” means any activity whose goal is financial gain, benefit, or advantage to the person (s) who engage in the activity. It includes provision of services.

(2) “Person” means any individual, partnership, corporation, trust, estate, or group of individuals acting in association, except Indians trading and selling traditional arts and craft items.

(3) For the purposes of this code, a person shall be regarded as carrying on business activity within the Wind River Reservation, if the business or any part of it is conducted on or from a location within the reservation boundaries, whether the activity is seasonal, temporary, or continuous. The code is not intended to apply to

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persons who neither have a place of business located on the reservation nor occupy reservation land or use reservation resources in carrying on their business activity under a valid lease with the tribes, or other permit or license.

Section 14-17-4 More than One Business

Any person who carries on more than one kind of integrated business on the reservation must obtain a separate business license for each kind of business.

Section 14-17-5 License Good One Year

Tribal business licenses shall be good for one year. Each license shall expire on January 31 of each year unless it is renewed by that date. A person who begins business activity during the licensing year must obtain a license before beginning and must pay the full license fee for that year.

Section 14-17-6 Application for License

(1) Every person who wants to get a tribal business license must submit a written application to the Joint Business Council. The applicant must submit with his or her application a fee of \$150.00. If the application is granted, they must pay \$50.00 more for their business license.

(2) Every application for a business license shall contain the following information:

- (a) Name of the applicant;
- (b) Names and residence addresses of all partners or officers of the business;
- (c) Principal place of applicant's business;
- (d) Address or other description of all reservation locations where business will be conducted;
- (e) Name and address of an agent of the business who lives or works on the reservation and who will accept service of legal process for the applicant;

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(f) Nature of the business to be carried on; and

(g) Any other information required by the Joint Tribal Council.

Section 14-17-7 Action on Application

(1) Within 30 days after an application for a tribal business license is submitted, the Joint Business Council shall consider the application and take action on it. The Joint Business Council may grant the application, grant is subject to certain conditions, deny it, or ask the applicant to provide more information regarding his or her plans. The application may be denied if it appears that the business proposed would pose a danger to the health or welfare of reservation residents, that the activities planned would be inconsistent with tribal comprehensive plans or tribal laws, or that the applicant has previously been found guilty of violating tribal licensing, tax, or Land use.

(2) An applicant may appeal the Joint Business Council decision to the tribal court.

Section 14-17-8 License Fees

(1) Every person who is granted an annual tribal business license must pay a license fee no later than five days after the license is granted. A penalty of \$10 will be imposed for late payment of a fee.

(2) The business license fee for all businesses will be \$100.00.

Section 14-17-9 License Must be Displayed

Every business licensed by the Shoshone and Arapahoe Tribes must display the license prominently at its principal place of business on the Wind River Reservation. If the business has no structure or suitable location on the reservation where the license can be displayed it must display the license at its place of business closest to the reservation.

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Section 14-17-10 Revoking a License

(1) Violation of any provision of this code, failure to meet the conditions of a license granted by the tribes, or failure to pay any tribal taxes imposed on a business may be grounds for revoking a Wind River tribal business license.

(2) Whenever the Joint Business Council has probable cause to believe that there are grounds for revoking a business license, the Council shall deliver to the agent of the licensed business an order which requires the license holder to appear before the council. At the hearing before the council, the license holder shall be given fair chance to show why his or her license should not be revoked. If the license holder fails to appear, the license may be revoked.

(3) If the Joint Business Council revokes a business license, the license holder may appeal this decision to the tribal court.

Section 14-17-11 Operating Unlicensed Business

If any person who does not have a valid tribal license carries on a business within the Wind River Reservation, the tribal council may take the following remedial actions:

(1) The council may bring a civil suit in the Wind River Tribal Court. If the court finds that the defendant has carried on a business without a required license, the court may either:

- (a) Impose a civil fine not to exceed \$350.00,
- (b) Order defendant to stop further unlicensed business activity, or
- (c) Take both of these actions.

A fine imposed pursuant to this section shall become a lien upon any property of the defendant which is located within the jurisdiction of the tribal court.

(2) The tribal council may bring suit, as provided in the Rules of Civil Procedure of the Wind River Tribal Court, against property which is being or has been used on the reservation in violation of this code. The court shall order the forfeiture of any property which it finds to have been used this way.

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(3) If the tribal court finds that a person has violated this code more than once, the tribal council may start proceedings to exclude the person from the Wind River Reservation.

(4) When necessary to enforce a tribal court judgment, the tribes may bring suit in any other court to reach property of the defendant which is located outside the Wind River Reservation.

Section 14-17-13 Use of Revenues

Money collected pursuant to this code shall be deposited in the tribal general fund used to cover administrative costs of the licensing and program.