

## **TRIBAL COUNCIL ACT 8.1**

### **AN ACT RELATING TO BUSINESS LICENSES**

#### **BE IT ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL**

#### **SECTION 1.0 TITLE AND CODIFICATION**

This Chapter shall be known as the Snoqualmie Tribal Business Licenses Act, and shall be codified as Title 8, Chapter 1 of the Snoqualmie Tribal Code.

#### **SECTION 2.0 STATUTORY AUTHORIZATION**

The aboriginal and inherent sovereign power to govern the Snoqualmie Indian Tribe is vested in the Snoqualmie Tribal Council. The Snoqualmie Tribal Council has the authority to safeguard and promote the peace, safety, moral, and general welfare of the members of the Tribe by regulating the behavior of all persons within the jurisdiction of the Tribe, and by providing for the enactment and enforcement of the laws of the Tribe. This authority includes the authority to negotiate with and enter into agreements with the State on behalf of the Tribe, to manage the economic affairs and enterprises of the Tribe, to levy taxes, fees or special assessments upon persons or property within the jurisdiction of the Snoqualmie Indian Tribe, to set aside and spend Tribal funds for Tribal purposes, to adopt laws regulating the procedures implemented by Tribal agencies and Tribal officials, and to regulate and license the conduct of business activities within the jurisdiction of the Snoqualmie Indian Tribe. Snoq. Tr. Const. Art. VIII, Sec. 1(a), (e), (h), (j), (o), (p), and (t).

#### **SECTION 3.0 PURPOSE AND SCOPE**

The purpose of this Chapter is to provide for the general security and welfare of the Tribe, and to monitor the conduct of persons engaged in business with the Tribe, Tribal enterprises, or upon Snoqualmie Tribal Lands, and to generate Tribal revenue for administration of licenses. This Chapter applies to all persons who intend to or who conduct, engage or operate business activities with the Tribe, a Tribal enterprise, or upon Snoqualmie Tribal Lands.

#### **SECTION 4.0 DEFINITIONS**

Unless the context specifically requires otherwise, as used in this Chapter:

**“Business”** shall mean all regularly or temporary business activities engaged in by any person for the purpose of conducting a trade, profession, or commercial activity involving the sale of any property or the provision of services with the object of profit, gain, benefit or advantage, either directly or indirectly, with the Tribe or a Tribal enterprise on Snoqualmie Tribal Lands; provided, however, than an isolated sale of property or services shall not be considered to be business under this Chapter.

**“Business license”** shall mean a license issued by the Finance Department upon payment of a fee and issued in compliance with this Chapter.

**“Finance Department”** shall mean the Finance Department of the Snoqualmie Indian Tribe.

**“Indian”** shall mean an enrolled member of a federally-recognized Indian tribe other than the Snoqualmie Indian tribe.

**“Person”** shall mean any natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees or other representative, acting either for himself or herself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstance.

**“Property”** shall mean all tangible personal property of every kind and description subject to sale or use in the transaction of business.

**“Snoqualmie Tribal Lands”** shall mean all lands over which the Tribe exercises jurisdiction, including but not limited to, its Reservation, other lands held in trust for the Tribe by the United States, and all of the Tribe’s “Indian Country” as defined by 18 U.S.C. § 1151, excluding lands owned in fee by the Tribe.

**“Tribal Member”** shall mean and enrolled member of the Snoqualmie Indian Tribe.

**“Tribal Council”** shall mean the duly authorized governing body of the Tribe.

**“Tribal enterprise”** shall mean a commercial activity or business wholly owned, managed, or controlled by the Tribe, including, but not limited to the Snoqualmie Casino and Crescent Market.

**“Tribe”** shall mean the Snoqualmie Indian Tribe.

**“Wholesale Sales”** shall mean sales of property in quantity to retailers, also known as sales of property to anyone other than an ultimate consumer.

## **SECTION 5.0 ADMINISTRATION**

- (a) The provisions of this Chapter shall be administered and enforced by the Finance Department, or by such other persons designated by the Tribal Council.
- (b) To the extent consistent with the authority granted by this Chapter, the Finance Department may promulgate rules and regulations necessary or appropriate for the efficient administration and enforcement of this Chapter, subject to the approval of the Tribal Council.

- (c) The Finance Department shall determine by rule or regulation authorized by this Chapter the form of business licenses, and all licensing fees. All licensing fees assessed by the Finance Department are nonrefundable, and are subject to change without notice.

#### **SECTION 6.0 BUSINESS LICENSE REQUIRED**

- (a) Any person intending to conduct or operate any business, whether temporary or permanent, with the Tribe or a Tribal enterprise upon Snoqualmie Tribal Lands shall obtain a business license from the Finance Department within the time provided in this Section. It shall be unlawful for any person to conduct or operate any business with the Tribe or Tribal enterprises upon Snoqualmie Tribal Lands without first obtaining a business license from the Finance Department.
- (b) Persons required to obtain a business license under the terms of this Chapter shall obtain a license from the Finance Department by no later than December 31, 2023. The Finance Department may extend this deadline at its discretion with the approval of the Tribal Council.

#### **SECTION 7.0 LICENSE EXEMPTIONS**

- (a) The following persons are not required to obtain a business license under this Chapter:
  - (1) The Tribe;
  - (2) Tribal enterprises;
  - (3) Federal, state, and local governmental entities;
  - (4) Any vendor or business who is licensed with the Snoqualmie Casino;
  - (5) Entertainment acts contracted by the Snoqualmie Casino;
  - (6) Newspaper carriers;
  - (7) Common carriers and parcel delivery entities;
  - (8) Indians, including Tribal members, who manufacture, sell, or distribute Native American-produced arts, crafts, or goods;
  - (9) Indians, including Tribal members, who manufacture, sell, or provide goods or services derived from treaty fishing, hunting or gathering activities;
  - (10) Any person whose only business activity within Snoqualmie Tribal Lands consists of providing professional services directly to and for the benefit of the Tribal Council, and who has provided the Tribe with a properly completed and signed Form W-9 (or such equivalent form that may be utilized in the future by the Internal Revenue Service);
  - (11) Sellers or providers of services or goods ordered by mail, phone, or Internet; and,
  - (12) Charitable, religious, educational, or nonprofit organizations or corporations which have received a tax exempt status under 26 U.S.C. § 501(c)(3) or other similar civic, charitable or nonprofit organizations;
- (b) The Finance Department may by rule or regulation waive the business license application fee for certain groups of persons, including by way of example, for Tribal members, Indians over the age of fifty (50) years, or veterans.

## **SECTION 8.0 CLASSES OF LICENSES**

- (a) Temporary Business License: All persons engaged in business with the Tribe or a Tribal enterprise upon Snoqualmie Tribal Lands for a period of seven (7) days or less shall obtain a temporary business license.
- (b) Seasonal Business License: All persons engaged in business with the Tribe or a Tribal enterprise upon Snoqualmie Tribal Lands for a period of more than seven (7) days but less than three (3) months shall obtain a seasonal business license.
- (c) Annual Business License: All persons engaged in business with the Tribe or a Tribal enterprise upon Snoqualmie Tribal Lands for a period exceeding three (3) months shall obtain an annual business license.
- (d) Wholesale Business License: All persons engaged in business with the Tribe or a Tribal enterprise upon Snoqualmie Tribal Lands conducting a wholesale sale shall obtain an annual wholesale license.

## **SECTION 8.0 LICENSE FEES**

- (a) License fees shall be paid, as applicable, at the time of the filing of an application for issuance or renewal of a business license. No application shall be accepted until all of the applicable fees have been paid in full.
- (b) License Fees:
  - a. Temporary Business License Fee: A \$25.00 fee shall be paid at the time of application for a temporary business license.
  - b. Seasonal Business License: A \$50.00 fee shall be paid at the time of application for a seasonal business license.
  - c. Annual Business License Fee: A \$100.00 fee shall be paid at the time of application for an annual business license.
  - d. Wholesale Business License: A \$500.00 application fee shall be paid at the time of application for a Wholesale Business License.
- (c) Additional Fees:
  - a. Business License Renewal Fee: A fee equal to the cost of the business license shall be paid at the time of application for renewal.
  - b. Late Fee: A late payment fee of \$15.00 shall be paid for each ten (10) calendar days of delinquency after a renewal application and renewal fee are due. This fee shall be paid at the time of application for renewal of the business license.
  - c. Administrative Fees: An administrative fee of \$10.00 shall be paid by any Business licensee that requires a license to be re-issued to reflect a new address or name change.
- (d) License fees are non-refundable.

## **SECTION 9.0 LICENSE APPLICATION AND RENEWAL**

- (a) Every person intending to conduct business with the Tribe or a Tribal enterprise upon Snoqualmie Tribal Lands shall file with the Finance Department an application for a

business license, in the form established by the Finance Department by rule or regulation. The Finance Department shall by rule or regulation require the applicant to disclose information about the business in the business license application, which shall include but not be limited to, to the following information:

- (1) A brief description of the nature of the business and the goods or services to be sold;
  - (2) The name, address, telephone number, and e-mail address of the owner(s) of the business;
  - (3) The trade name, if any, to be used by the business;
  - (4) The location(s) where the business with the Tribe or a Tribal enterprise upon Snoqualmie Tribal Lands will occur;
  - (5) A sworn statement that the applicant will comply with all applicable Tribal laws;
  - (6) A sworn statement that the applicant consents to the jurisdiction of the Tribal Court, and service of process in matters arising from the conduct of business; and,
  - (7) The name, address, and signature of the agent who will accept service of process on behalf of the business.
- (b) Upon filing an application and payment of the license fee, the Finance Department shall issue a business license, effective for the calendar year in which it was issued, and assign a Tribal Taxpayer Identification Number to the business.
- (c) The business license shall be renewed every calendar year in conformity with the provisions of this Chapter, and the license fees shall not be prorated for any portion of the year.

#### **SECTION 10.0 BUSINESS LICENSE TERMS**

The terms and conditions set forth in this Section apply to business licenses and licensees granted pursuant to this Chapter, and shall be reflected on the business license and must be accepted by the applicant:

- (a) A license is a privilege and not a right.
- (b) Licenses are not transferable or assignable.
- (c) Licenses are valid only for the person in whose name the license was issued, and for the transaction of business of the same type and at the place(s) designated therein.
- (d) Licenses are valid only for the calendar year in which issued.

- (e) Annual Licenses and Wholesale Licenses shall expire at 11:59 p.m. on December 31 of the year of issuance of the license no matter when issued.
- (f) No business license shall entitle the holder thereof to conduct or operate the business for which the license has been obtained at any other place or location except that location stated in such license.
- (g) The business license shall be posted in a conspicuous place at the location specified in the license; provided, however, that when the licensee has no established place of business and goes from place to place, then such license must be carried on the person of such licensee while actually engaged in the licensed business.
- (h) Each licensee shall comply with all applicable Tribal laws, rules and regulations, including but not limited to, Tribal tax laws, Indian employment and contracting preference laws, and any other applicable Tribal laws.
- (i) Each licensee shall consent to the jurisdiction of the Tribal Court as to any cause of action arising in connection with the transaction of any business with the Tribe or a Tribal enterprise upon Snoqualmie Tribal Lands, or any tortious acts committed in connection with the transaction of any business with the Tribe or a Tribal enterprise upon Snoqualmie Tribal Lands.
- (j) Each licensee shall consent to the service of process of the Tribal Court with respect to all actions over which the Tribal Court has subject matter jurisdiction.
- (k) Each licensee shall respond in a timely manner to requests made by the Finance Department for information about the licensee's business for the purposes of determining whether the licensee is in compliance with the terms of the license and this Chapter.

#### **SECTION 11.0 DENIAL OR REVOCATION OF LICENSE**

- (a) A license granted pursuant to this Chapter is a privilege and not a right. The Finance Department shall only grant licenses to applicants whose dealings with the Tribe, a Tribal enterprise, or upon Snoqualmie Tribal Lands will, in the judgment of the Finance Department, be beneficial to the Tribe, and will not endanger the public health, safety, or welfare of Tribal and community members, and who have met all of the other criteria set forth in Tribal law.
- (b) The Tribe reserves the right to refuse to issue a license to any person or business whose dealings with the Tribe, a Tribal enterprise, or upon Snoqualmie Tribal Lands will not be beneficial to the Tribe and community.
- (c) The Finance Department may deny any initial application for a license for any of the following causes:
  - (1) Fraud, misrepresentation or false statement contained in the application for license;

- (2) Any other violation of this Chapter or Tribal law relating to the operation of the business; or
  - (3) If the applicant has failed to fully pay the applicable license application fee.
- (d) The Finance Department may revoke any license, or deny any application or renewal application for a license after notice and hearing for any of the following causes:
- (1) A person is more than sixty (60) days delinquent in the payment of any license fees or fines imposed by this Chapter;
  - (2) Fraud, misrepresentation, or false statement contained in the application for license;
  - (3) Any other violation of this Chapter or Tribal law relating to the operation of the business as licensed; or
  - (4) Conviction after submission of the application for a license of a felony or misdemeanor directly relating to the business, including but not limited to, those misdemeanors and felonies involving moral turpitude, fraud or misrepresentation.
- (e) Any person aggrieved by the action of the Finance Department in the denial of an application for a license or in the decision to revoke a license as provided in this Chapter shall have the right to appeal to the Tribal Council. Such appeal shall be commenced by filing with the Finance Department, within ten (10) calendar days after receipt of the notice of the action taken, a written statement setting forth fully the grounds for the appeal. If no appeal is filed within the mandatory time frame, the action of the Finance Department shall be final. Where an appeal is timely, the Tribal Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant. The decision of the Tribal Council on such appeal shall be final and conclusive, and not subject to further review by Tribal Court.

#### **SECTION 12.0 REINSTATEMENT OF LICENSE**

The Finance Department may reinstate a license that has been revoked upon payment of all license fees and fines, provided the business is otherwise in compliance with Tribal law, rules and regulations. The Finance Department may impose conditions upon the reinstatement it deems appropriate under the circumstances. A person whose license has been reinstated shall pay a reinstatement fee.

#### **SECTION 13.0 ENFORCEMENT**

- (a) Any person who fails to comply with any provision of this Chapter has committed a civil infraction.

- (b) Any person who fails to comply with Tribal laws in the course of conducting the business licensed pursuant to this Chapter has committed a civil infraction.
- (c) Upon finding the person committed the infraction, the person's business license shall be revoked and the Tribal Court may impose a civil fine not to exceed one thousand (\$1,000.00) US Dollars per occurrence.

**SECTION 14.0 SOVEREIGN IMMUNITY**

The Tribe specifically and unequivocally declares its sovereign immunity and does not waive its sovereign immunity, expressly or impliedly, under any provision of this Chapter, and nothing in this Chapter shall be construed as waiving the sovereign immunity of the Tribe or any of its agencies, departments, officials, agents or employees.

**SECTION 15.0 SEVERABILITY**

If any section, provision, phrase, addition, word, sentence or amendment of this Title or its application to any person is held invalid by a final judgment of a court of competent jurisdiction, such invalidity shall not affect the other provisions or application of this Title that can be given effect without the invalid provision or application, and to this end the provisions of this Title are declared severable.

**SECTION 16.0 AMENDMENTS**

This Chapter may be amended pursuant to written resolution of the Tribal Council.

**SECTION 17.0 EFFECTIVE DATE**

This Chapter shall take effect immediately upon adoption by the Tribal Council, and shall supersede and replace any and all prior ordinances of the Tribe relating to the subject matter of this Chapter.

**ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 28TH DAY OF JULY , 2022  
IN SESSION DULY MET, WITH 4 FOR, 0 AGAINST, AND 3 ABSTAINING, VIA  
RESOLUTION NO. #145-2022.**

**CODIFIED AS AMENDED BY THE SNOQUALMIE TRIBAL SECRETARY ON THE 28TH DAY OF  
JULY , 2022.**



ACTING TRIBAL SECRETARY, CHRISTOPHER CASTLEBERRY