

ORDINANCE
of the
GOVERNING BODY
of the
SHOSHONE PAIUTE TRIBES
of the
DUCK VALLEY INDIAN RESERVATION

ORDINANCE NUMBER 2025-SPO-

An ordinance to require businesses engaging in trade on the Duck Valley Indian Reservation to secure and maintain a business license.

BE IT ENACTED BY THE BUSINESS COUNCIL OF THE SHOSHONE-PAIUTE TRIBES THAT,

WHEREAS, The Business Council is the governing body of the Shoshone-Paiute Tribes empowered under Article VI of the Constitution to exercise enumerated powers subject to limitations imposed by federal law; and

WHEREAS, Article VI, Section 1(l) of the Constitution authorizes the Business Council “[t]o safeguard and promote the peace, safety, morals and general welfare of the Shoshone-Paiute Tribes by regulating the conduct of trade and the use and disposition of property on the Reservation, provided that any ordinances directly affecting non-members shall be subject for review by the Secretary of Interior;” and

WHEREAS, Article VI, Section 1(h) of the Constitution authorizes the Business Council to levy license fees upon non-members doing business within the jurisdiction; and

NOW THEREFORE BE IT ENACTED BY THE BUSINESS COUNCIL OF THE DUCK VALLEY INDIAN RESERVATION THAT, Business Licensing IS ENACTED as follows.

LEGISLATIVE FINDINGS AND PURPOSE

Section 14.1.101. Purpose. The regulation of persons engaged in trade and business on the Duck Valley Indian Reservation is necessary to safeguard and promote the peace, safety, morals, and general welfare of the Shoshone-Paiute Tribes. Accordingly, the Shoshone-Paiute Tribes have the sole and exclusive authority to grant, deny, or withdraw the privilege of doing business within the Duck Valley Reservation.

Section 14.1.103. Definitions. The following terms, whenever used or referred to in this Business Licensing Code, shall have the following meanings, unless a different meaning clearly appears from the context:

- (a) “Agent” means the individual or individuals designated by any “licensee” to receive and accept service of process.

- (b) “Business” means any regular or “temporary business” activity engaged in by any “person” for the purpose of conducting a trade, profession or commercial activity involving the “sale” of any “property” or “services”; provided, however, that fundraising for a charitable purpose and an isolated sale of property or services shall not be “business” under this Code. Towing a vehicle for compensation on the Reservation is a business activity which triggers the license requirement within the meaning of this Code.
- (c) “Business Licensing Code” or “Code” means this Title of the Shoshone-Paiute Comprehensive Code.
- (d) “Constitution” means the Constitution and Bylaws of the Tribes approved by the Secretary of the Interior on April 20, 1936, as amended.
- (e) “Company” means any “person” or group of people engaged in “business.”
- (f) “Business Council” means the Shoshone-Paiute Business Council, the governing body of the Tribes.
- (g) “Director” means the Projects and Natural Resources Administrator acting in his or her official capacity.
- (h) “Governmental Entity” means the United States, the “Tribes,” a state or any political subdivision, agency, or any subordinate organization of the foregoing, including a public school and economic enterprises or other entities owned or controlled by the Tribes.
- (i) “Licensee” means any “person” who is granted a business license by the Tribes.
- (j) “Notice” means actual notice by hand delivery or by certified mail. For time computations as provided for in this Code, which are to begin upon “notice,” such notice shall be at delivery, except that where delivery is not possible after three consecutive postal days due to the inaction of the “agent,” notice shall be at the time of the first attempted delivery. Upon return of the forms of notice to the Director, the forms shall be mailed by regular mail.
- (k) “Person” means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, public utility, club, business trust, non-profit corporation, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit, or otherwise, and includes any instrumentality thereof. The term includes members and non-members of the Tribes.
- (l) “Property” means any existing and identified real or personal property, including, but not limited to “goods.”
- (m) “Reservation” means the Duck Valley Indian Reservation as now or hereafter constituted.
- (n) “Sale” means the transfer, exchange or barter, conditional or otherwise, of the ownership of, title to, or possession of real or personal property for consideration. The

term shall also include leases, conditional sales contracts, leases with the option to purchase, and any other contract under which possession of the property is transferred to the purchaser but title is retained by the seller as security. It shall also include the furnishing of food, drink, or meals for compensation, whether or not consumed on the premises. It shall also include any conditional or unconditional provision of services for consideration.

- (o) “Service of Process” includes the delivery of show-cause orders, cease and desist orders, summonses, complaints and other documents of the “Director” or “Tribal Court”.
- (p) “Services” means the performance of labor for the benefit of another for consideration. It excludes labor performed by an employee for the benefit of his or her employer.
- (q) “Tribal Court” means the Shoshone-Paiute Tribal Court.
- (r) “Tribal law” means the tribal Constitution and all laws now and hereafter duly enacted by the Business Council.
- (s) “Tribal member” or “member of the Tribes” means an enrolled member of the Tribes. A corporation, partnership or other entity shall be considered a Tribal member, for purposes of this Code only, if more than fifty percent of the entity is owned by Tribal members.
- (t) “Tribes” means the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation.

Section 14.1.104. Administration of Business Licensing Code. The Director is hereby delegated the responsibility to administer the provisions of this Code. The Director is delegated all powers which are specifically provided for in this Code, or impliedly necessary to implement its provisions.

Section 14.1.105. Administrative Actions. The Director shall recommend to the Business Council regulations to implement this Business Licensing Code, formulate recommendations to submit to the Business Council for amendments to this Code, and take other actions necessary for the administration of this Code.

PART 2: BUSINESS LICENSES

Section 14.1.201. Applicability. This Business Licensing Code shall be applicable to all persons engaged in business within the exterior boundaries of the Reservation. No person shall engage in business upon the Reservation without a valid business license issued by the Tribes, except as provided in Section 14.1.204(a).

Section 14.1.202. Application and Issuance. An application for a business license shall be submitted in writing to the Director, using forms which the Director shall provide. Any person engaged in business at the time this Code is enacted shall have thirty days in which to obtain and submit to the Tribes an application for a license. All applications shall include:

- (a) A description of the type of business;

- (b) The name and address of the owner or owners of the business;
- (c) The trade name, if any, to be used by the company;
- (d) Evidence of applicant's trade or professional license related to the applicant's business on the Reservation, including but not limited to a contractor's license, issued by any state or other jurisdiction;
- (e) The location(s) on the Reservation at which the business will be conducted;
- (f) A sworn statement that the applicant will comply with all tribal law applicable to the applicant's business;
- (g) A statement that the applicant consents to Tribal Court jurisdiction and service of process in matters arising from the conduct of business; and
- (h) The name, address and signature of the agent who will accept service of process on behalf of the company.

The Director shall notify the applicant by regular mail within fourteen days after receipt of the application whether a license shall be issued. If a license is issued, the licensee shall post the license in a conspicuous manner at its primary business location.

Section 14.1.203. Denial of License and Appeal. An application for a license shall be denied if it is determined that:

- (a) The applicant has materially misrepresented facts contained in the application;
- (b) The applicant does not possess a license or certification necessary under tribal law or under the laws of the applicant's principal place of business to carry out its business activities;
- (c) The applicant presently is in non-compliance with tribal law; or
- (d) The business will threaten the peace, safety, morals, or general welfare of the Tribes.

The Director shall issue an order of denial to the applicant by certified mail, return receipt requested, within fourteen days after receipt of the application. The order of denial shall set forth the reasons for such denial and shall state that the applicant has thirty days from receipt of the order of denial to file a notice of appeal with the Tribal Court under Section 14-1-305.

Section 14.1.204. Exemptions.

- (a) The following shall not be required to obtain a license under this Business Licensing Code:
 - (1) Governmental entities;
 - (2) Attorneys admitted to practice in Tribal Court;

- (3) Tribal members engaged in the creation of traditional Indian art or handicrafts or other crafts in their home;
- (4) Tribal members engaged in the traditional practice of medicine;
- (5) Employees of a person;
- (6) Businesses engaged in business at a powwow event under the supervision of the powwow committee; and
- (7) Any school, club or athletic organization engaged in staging athletic or other events for charitable purposes.

Section 14.1.205. Classes of Licenses.

- (a) Temporary Business License: All persons engaged in business on the Reservation for a period of four days or less shall have a temporary business license. The fee for a temporary business license is \$10.00.
- (b) Seasonal Business License: All persons engaged in business on the Reservation for a period of three months or less shall have a seasonal business license. The fee for a seasonal business license is \$25.00.
- (c) Permanent Business License: All persons engaged in business for a period exceeding three months shall have a permanent business license. The fee for a permanent business license is \$100.00. A licensee holding a permanent business license must renew every two years.

Section 14.1.206. Conditions of License.

- (a) Each licensee shall comply with all tribal laws, including but not limited to: tax laws, Indian employment and contracting preference laws, health and sanitation laws and consumer protection laws. The Tribes may, but need not, notify each licensee of any additional tribal laws with which the licensee must comply as such laws are enacted by the Business Council.
- (b) Each licensee will maintain in good standing any trade or professional license related to licensee's business on the Reservation.
- (c) Each licensee will permit tribal or federal government inspections of the premises and books and records for compliance with applicable law, including, but not limited to health, workplace safety and sanitation and environmental protection laws.
- (d) Each licensee consents to the jurisdiction of Tribal Court as to any cause of action arising in connection with the transaction of any business within the Reservation, or any tortious acts committed in connection with the transaction of any business within the Reservation. Each licensee consents to the service of process of the Tribal Court with respect to all actions over which the Tribal Court has subject matter jurisdiction, in accordance with this Code.

- (e) Each licensee shall respond to requests by the Director for information about the licensee's business for the purpose of establishing whether the licensee is in compliance with the terms of this Code. A licensee who receives an information request pursuant to this Section 14.1.206(e) shall respond by the date fixed in the Director's information request.
- (f) Each licensee shall carry liability insurance commensurate with the nature of the licensee's business activities.
- (g) Each licensee shall record fees or prices that it charges in a written invoice or receipt provided to the customer.

PART 3: SANCTIONS

Section 14.1.301. Revocation of License; Failure to Obtain License; Show Cause Hearing.

- (a) Whenever it is brought to the attention of the Director that any person is in non-compliance with any condition of his license or has failed to obtain a license within the time requirements of this Code, the Director may serve upon such person or any agent of such person an order to show cause why his license should not be revoked or why he should not be enjoined from doing business on the Reservation without a license. Such notice shall state the reason for the order, the time and place for the show cause hearing before the Tribal Court, and that the person shall have an opportunity to present testimony and cross examine opposing witnesses and to present any other evidence which he shall deem appropriate as to why a revocation order or an action should not be issued. The hearing shall be set for a time not exceeding fourteen days and not less than ten days from the date of the notice. The hearing shall be governed in all respects in accordance with the rules of procedure of the Tribal Court.
- (b) In the event it is determined that any person's non-compliance with this Code is a direct and immediate threat to the peace, safety, morals, or general welfare of the residents of the Reservation, the Director shall issue a cease and desist order which shall be served upon the person or any agent of the person. The person shall cease and desist business immediately upon service of the order and may file a notice of appeal with the Tribal Court within thirty days under Section 14.1.305.

Section 14.1.302. Civil Penalties and Restitution.

- (a) If it is determined that any person failed to comply with the conditions of his license or failed to secure a license within the time requirements of this Code, the Director may bring an action in Tribal Court for an order requiring the person to appear and show cause why a monetary penalty should not be imposed and restitution should not be ordered; provided, the amount of the penalty shall not exceed \$1,000.00 for each violation.
- (b) The Director may submit a recommendation to the Tribal Court regarding any restitution which the person should pay to any person or persons injured by his failure to comply with the conditions of his license or his failure to secure a license within the time requirements of this Code.

- (c) The Director may submit a recommendation to the Tribal Court regarding the amount of any civil penalty which the person should pay for failure to comply with the conditions of his license or failure to secure a license within the time requirements of this Code.
- (d) If the Director submits a suggested penalty amount, the Director shall expressly address in writing each and all of the following criteria:
 - (1) The good or bad faith of the violator;
 - (2) The injury to the public resulting from the violation;
 - (3) The benefits derived by the violator from the violation;
 - (4) The violator's ability to pay;
 - (5) The administrative costs of prosecution; and
 - (6) The need to deter similar behavior by the violator and others and to vindicate the Tribes' authority and the integrity of the Director's orders.
- (e) The purpose of the civil penalty provided for herein shall be primarily to defray the costs of administration and enforcement of this Code, and secondarily, to deter continued violations of this Code by the violator or others; provided, however, that all funds collected by the Tribal Court under this section shall be subject to disposition by the Business Council.

Section 14.1.304. Other Remedies. The Director may petition the Tribal Court for other remedies provided for in this Code which are necessary to enforce the provisions of this Code, including but not limited to temporary restraining orders and preliminary and permanent injunctions. The Director may also petition a court of competent jurisdiction for a writ of execution to enforce an order, judgment or decree of the Tribal Court off-Reservation.

Section 14.1.305. Appeal.

- (a) Upon receipt of a notice of appeal from a decision by the Director, the Tribal Court shall notify the applicant consistent with Tribal Court rules of the briefing schedule and time set for the hearing which shall be not less than thirty working days thereafter.
- (b) The appeal shall be decided by the Tribal Court sitting without a jury, and shall be heard solely on the record developed before the Director. No new or additional evidence may be introduced during the appeal.
- (c) The Tribal Court shall uphold all factual findings of the Director unless the Court determines that such findings are not supported by substantial evidence in the record established before the Director. In reviewing reasons for denial or revocation of the license or cease and desist order by the Director, the Court shall give proper weight to the Director's interpretation of this Code and any regulations promulgated hereunder.

PART 4: SAVINGS CLAUSE

Section 14.1.401. Savings Clause.

In event that any provision of this Business Licensing Code shall be found or declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Code shall be unaffected thereby, and shall remain in full force and effect.

Section 14.1.403. Repeal.

Any provision in a prior ordinance inconsistent with this Code, including all provisions of Ordinance No. 68-SPO-1A establishing rules and procedures for the assessment of fees for persons doing business on the Reservation, is hereby repealed.

Section 14.1.405. Sovereign Immunity.

Except to the limited extent provided for appeals to Tribal Court in Section 14.1.305, this Code is not intended to waive, and does not constitute a waiver of, the sovereign immunity of the Tribes or their officials, officers, employees and agents.

C E R T I F I C A T I O N

It is hereby certified that the Shoshone Paiute Business Council is composed of 6 Council Members of whom __ constituting a quorum and a Chairman were present at a meeting held on the __ day of _____, 2025, and that the foregoing ordinance was adopted by an affirmative vote of __ FOR, 0 AGAINST and 0 ABSTENTIONS pursuant to the authority contained in Article VI, Section (k) and (l) of the Constitution of the Shoshone Paiute Tribes, approved April 20, 1936.

BRIAN MASON, Tribal Chairman

MARISA GARTIEZ, Executive Secretary

APPROVED:

SUPERINTENDENT, Eastern Nevada Field Office
Bureau of Indian Affairs