

LIQUOR ORDINANCE NO. 23
LIQUOR ORDINANCE
HUALAPAI INDIAN RESERVATION
PEACH SPRINGS, ARIZONA

ORDINANCE NO. 23

1. It shall be legal and permissible from this date henceforth, to possess, transport, purchase, sell and/or use intoxicating liquors, beer, wine, and other malt or alcoholic beverages within the exterior boundaries of the Hualapai Indian Reservation, subject to such rules and regulations as may be provided by ordinances of the Hualapai Tribal Council and the laws of the State of Arizona.

2. The laws of the State of Arizona and the regulations of the Arizona Liquor Control Board in regard to the wholesale and retail sale of liquor and beer and wine within the boundaries of the State of Arizona are hereby adopted and made applicable to the territory within the exterior boundaries of the Hualapai Indian Reservation; provided however, that before any person, association, firm, corporation, or partnership, or any individual or group of individuals, may engage in the wholesale or retail liquor or beer, or wine business (hereinafter referred to as the "liquor business") within the exterior boundaries of the Hualapai Indian Reservation, whether or not the principal place of business of said wholesaler or retailer is located within the exterior boundaries of the Hualapai Indian Reservation, he must first make application to the Hualapai Tribal Council for, and obtain, a permit or license to engage in the liquor business. Either maintaining a wholesale or retail liquor, beer, or wine establishment upon said Reservation or making delivery and/or sales at wholesale or at retail at any place within the exterior boundaries of the Hualapai Reservation shall constitute engaging in the liquor business.

3. With such application, the applicant shall tender a fee of TWO HUNDRED DOLLARS (\$200.00). If a license or permit is issued to the applicant by the Hualapai Tribal Council, it shall be valid from July 1 of one year to the 30th day of June of the next following year. If such application is made when more than six (6) months of said yearly period remain, there shall be no reduction in the amount of the license fee. If such application is made when less than six (6) months of said yearly period remain, the license fee shall be reduced by fifty percent (50%). If such license or permit is denied, the fee shall be returned to the applicant.

4. Before a permit or license shall be issued by the Hualapai Tribal Council, the applicant shall be investigated as to moral character and as to whether or not such person is acceptable to the members of the Hualapai Tribe to engage in the liquor business upon the Hualapai Reservation. Once a permit or license is granted by the Hualapai Tribal Council, such permit or license may be revoked only for cause and upon a hearing, with notice being mailed by registered or certified mail to the owner of such permit or license ten (10) days prior to such hearing, except such permit or

license may not be transferred without the approval and consent of the Hualapai Tribal Council. Cause shall mean the failure to pay license fees each year, and/or the violation of tribal ordinances duly passed or the laws of the State of Arizona, or transfer or attempted transfer of such permit or license without the approval and consent of the Hualapai Tribal Council.

5. The issuance of a license or permit by the Hualapai Tribal Council and the payment of a fee, as hereinabove provided, shall be a condition of eligibility before any person, firm, association, corporation, partnership, individual or group of individuals may engage in the liquor business within the exterior boundaries of the Hualapai Reservation, or receive a license from the State of Arizona for such purposes, and until such person or organization wishing to engage in the liquor business satisfies said condition, he shall not be permitted to engage in the liquor business within the boundaries of the Hualapai Reservation.

6. Each person receiving a permit or license to engage in the retail liquor business within the boundaries of the Hualapai Reservation shall, at his own expense, engage some suitable male person to maintain law and order in and about his place of business, and said male person shall be approved by the Hualapai Tribal Council as a person of good moral character to be deputized and appointed as Indian Policeman and shall also be approved to be appointed a Deputy Sheriff by the governing body of the county in which such retail liquor business is located. Failure to furnish such suitable person for the maintenance of law and order shall be cause for revocation of the permit or license to engage in the retail liquor business within the boundaries of the Hualapai Reservation.

7. The Hualapai Tribal Council may adopt such ordinances for the maintenance of law and order on the Hualapai Reservation and regulation of the liquor business conducted on said Reservation not inconsistent with the laws of the State of Arizona and rules and regulations of the Arizona Liquor Control Board; provided, however, that such ordinances shall not become effective until thirty (30) days after passage and the mailing of a copy of such ordinances by registered mail or certified mail to each permittee or licensee engaged in the liquor business on the Hualapai Reservation.

8. The Hualapai Tribe may also engage in the liquor business on its own account, pursuant to such rules and regulations as the Hualapai Tribal Council may from time to time adopt.

9. It shall be unlawful for any person within the exterior boundaries of the Hualapai Reservation to sell, offer to sell, give, or otherwise distribute any beer, wine, liquor, or other alcoholic beverage to any person under the age of twenty-one (21), to any intoxicated person, or to any person at a time or under circumstances not permitted under the laws of the State of Arizona or the regulations of the Arizona Liquor Control Board.

10. Section 6.38 of the Revised Law and Order Code of the Hualapai Tribe is hereby repealed.

11. There shall be inserted in the Revised Law and Order Code of the Hualapai Tribe a new Section 6.38 which shall read as follows:

"Any Indian who shall knowingly and willfully violate any provision of the Hualapai Tribe Liquor Ordinance shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to imprisonment for a period not to exceed 60 days or to a fine not to exceed \$ 60.00, or both such imprisonment and fine, with costs."

CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Hualapai Tribal Council do hereby certify that the Tribal Council of the Hualapai Tribe is composed of nine (9) members of whom 6, constituting a quorum, were present at a regular meeting thereof held this 7th day of December 1968; and that the foregoing Ordinance No. 23 was adopted by the affirmative vote of 7 members, pursuant to authority of Article VI, Section 1 (n), of the Amended Constitution and Bylaws approved October 22, 1955.

(Corporate Seal:)

S/ Rupert Parker
Rupert Parker, Chairman
Hualapai Tribal Council

S/ Clara Smith
Clara Smith, Secretary
Hualapai Tribal Council

Presented to the Truxton Canon Subagency,
Valentine, Arizona, on December 12, 1968.

APPROVED: Date DEC 18 1968 1968.

S/ Charles Pitrat
Charles Pitrat, Superintendent, Truxton Canyon
Agency, Valentine, Arizona



DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
HUALAPAI INDIAN RESERVATION,
ARIZ.

Ordinance Legalizing the Introduction,
Sale and Possession of Intoxicants

March 8, 1969.

Pursuant to the act of August 15, 1953 (Public Law 277, 83d Congress; 67 Stat. 586), I certify that the following Ordinance No. 23 relating to the application of the Federal Indian liquor laws on the Hualapai Reservation was duly enacted on December 7, 1968, by the Tribal Council of the Hualapai Tribe which has jurisdiction over the area of Indian Country included in the ordinance, reading as follows:

"1. It shall be legal and permissible from this date henceforth, to possess, transport, purchase, sell and/or use intoxicating liquors, beer, wine, and other malt or alcoholic beverages within the exterior boundaries of the Hualapai Indian Reservation, subject to such rules and regulations as may be provided by ordinances of the Hualapai Tribal Council and the laws of the State of Arizona.

2. The laws of the State of Arizona and the regulations of the Arizona Liquor Control Board in regard to the wholesale and retail sale of liquor and beer and wine within the boundaries of the State of Arizona are hereby adopted and made applicable to the territory within the exterior boundaries of the Hualapai Indian Reservation: *Provided however*, That before any person, association, firm, corporation, or partnership, or any individual or group of individuals, may engage in the wholesale or retail liquor or beer, or wine business (hereinafter referred to as the "liquor business") within the exterior boundaries of the Hualapai Indian Reservation, whether or not the principal place of business of said wholesaler or retailer is located within the exterior boundaries of the Hualapai Indian Reservation, he must first make application to the Hualapai Tribal Council for, and obtain, a permit or license to engage in the liquor business. Either maintaining a wholesale or retail liquor, beer, or wine establishment upon said Reservation or making delivery and/or sales at wholesale or at retail at any place within the exterior boundaries of the Hualapai Reservation shall constitute engaging in the liquor business.

3. With such application, the applicant shall tender a fee of two hundred dollars (\$200). If a license or permit is issued to the applicant by the Hualapai Tribal Council, it shall be valid from July 1 of 1 year to the 30th day of June of the next following year. If such application is made when more than six (6) months of said yearly period remain,

there shall be no reduction in the amount of the license fee. If such application is made when less than six (6) months of said yearly period remain, the license fee shall be reduced by fifty percent (50%). If such license or permit is denied, the fee shall be returned to the applicant.

4. Before a permit or license shall be issued by the Hualapai Tribal Council, the applicant shall be investigated as to moral character and as to whether or not such person is acceptable to the members of the Hualapai Tribe to engage in the liquor business upon the Hualapai Reservation. Once a permit or license is granted by the Hualapai Tribal Council, such permit or license may be revoked only for cause and upon a hearing, with notice being mailed by registered or certified mail to the owner of such permit or license ten (10) days prior to such hearing, except such permit or license may not be transferred without the approval and consent of the Hualapai Tribal Council. Cause shall mean the failure to pay license fees each year, and/or the violation of tribal ordinances duly passed or the laws of the State of Arizona, or transfer or attempted transfer of such permit or license without the approval and consent of the Hualapai Tribal Council.

5. The issuance of a license or permit by the Hualapai Tribal Council and the payment of a fee, as hereinabove provided, shall be a condition of eligibility before any person, firm, association, corporation, partnership, individual, or group of individuals may engage in the liquor business within the exterior boundaries of the Hualapai Reservation, or receive a license from the State of Arizona for such purposes, and until such person or organization wishing to engage in the liquor business satisfies said condition, he shall not be permitted to engage in the liquor business within the boundaries of the Hualapai Reservation.

6. Each person receiving a permit or license to engage in the retail liquor business within the boundaries of the Hualapai Reservation shall, at his own expense, engage some suitable male person to maintain law and order in and about his place of business, and said male person shall be approved by the Hualapai Tribal Council as a person of good moral character to be deputized and appointed as Indian Policeman and shall also be approved to be appointed a Deputy Sheriff by the governing body of the county in which such retail liquor business is located. Failure to furnish such suitable person for the maintenance of law and order shall be cause for revocation of the permit or license to engage in the retail liquor business within the boundaries of the Hualapai Reservation.

7. The Hualapai Tribal Council may adopt such ordinances for the maintenance of law and order on the Hualapai

Reservation and regulation of the liquor business conducted on said Reservation not inconsistent with the laws of the State of Arizona and rules and regulations of the Arizona Liquor Control Board: *Provided, however*, That such ordinances shall not become effective until thirty (30) days after passage and the mailing of a copy of such ordinances by registered mail or certified mail to each permittee or licensee engaged in the liquor business on the Hualapai Reservation.

8. The Hualapai Tribe may also engage in the liquor business on its own account, pursuant to such rules and regulations as the Hualapai Tribal Council may from time to time adopt.

9. It shall be unlawful for any person within the exterior boundaries of the Hualapai Reservation to sell, offer to sell, give, or otherwise distribute any beer, wine, liquor, or other alcoholic beverage to any person under the age of twenty-one (21), to any intoxicated person, or to any person at a time or under circumstances not permitted under the laws of the State of Arizona or the regulations of the Arizona Liquor Control Board.

10. Section 6.38 of the Revised Law and Order Code of the Hualapai Tribe is hereby repealed.

11. There shall be inserted in the Revised Law and Order Code of the Hualapai Tribe a new § 6.33 which shall read as follows:

Any Indian who shall knowingly and willfully violate any provision of the Hualapai Tribe Liquor Ordinance shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to imprisonment for a period not to exceed 60 days or to a fine not to exceed \$60, or both such imprisonment and fine, with costs.

ROBERT L. BENNETT,
Commissioner of Indian Affairs.

[P.R. Doc. 69-3119; Filed, Mar. 13, 1969;
8:49 a.m.]