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Mashkisibi Center

BAD RIVER TRIBAL COUNCIL
P.O. Box 39, Odanah, WI 54861

RESOLUTION NO. 9-21-83-18-B

WHEREAS the Bad River Tribal Council recognizes the desirability of regulating the sale of cigarettes on the Bad River Reservation;

NOW, THEREFORE, BE IT RESOLVED that the Bad River Tribal Council enact Chapter 701, Bad River Ordinance, into law.

CERTIFICATION

I, the undersigned, as Secretary of the Bad River Band of Lake Superior Tribe of Chippewa Indians, an Indian Tribe organized under Section 16 of the Indian Reorganization Act, hereby certify that the Tribal Council is composed of 7 members, of whom 7 members, constituting a quorum, were present at a meeting hereof duly called, noticed, convened, and held on the 21 day of Sept., 1983; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 5 members; 1 against; and 0 abstaining, and that the said resolution has not been rescinded or amended.

Carol Scott
Carol Scott, Secretary
Bad River Tribal Council

CHAPTER 701 - CIGARETTES

Section 701.1 - Purpose

The purpose of this ordinance is to regulate the business of selling, exposing for sale, exchanging, or bartering of cigarettes for purposes of resale within the boundaries of the Bad River Reservation.

Section 701.2 - Authority

This chapter is adopted pursuant to Art. VI, sec. 1(j), of the Bad River Constitution.

Section 701.3 - Definitions

(a) "Carton" means any container prepared by the manufacturer of cigarettes in which 200 cigarettes are held, packaged or contained.

(b) "Cigarette" means any roll of tobacco wrapped in paper or any substance other than tobacco.

(c) "Distribution" means the acquisition of unstamped cigarettes, the affixing of the tribal stamp to the packages or other containers, the storage of cigarettes, and the provision of tribally stamped cigarettes to tribal authorized sales agents.

(d) "Member" means a person enrolled in the tribe.

~~(e) "Nonmember" means a person, regardless of Indian ancestry,~~
who is not enrolled in the tribe.

(f) "Reservation" means the land and waters within the exterior boundaries of the Bad River Reservation.

(g) "Sell" or "sale" includes the transfer, gift, barter, trade or exchange or any shift, device, scheme or transaction whereby cigarettes may be obtained.

(h) "Stamp" means the authorized indicia of tribal cigarette distribution, including ink stamps, water transfer stamps, heat applied

(b) Any member who wishes to become an authorized sales agent shall apply in writing to the Secretary requesting such appointment. The applicant shall provide evidence of tribal membership, a description of the location where sales will take place, and evidence that such location is trust land or owned in fee by a member. Appointment shall be made by the Tribal Council by resolution and shall be within the discretion of the Tribal Council, exercised to promote the general welfare of the Tribe. Nonmembers shall not be appointed as authorized sales agents.

(c) Authorized sales agents shall sell cigarettes only at the locations designated in the appointment resolution. Sales locations shall be restricted to lands within the reservation which are owned in fee by a member or which are held by the United States in trust for the tribe or for individual allottees.

(d) Records and books of accounts pertaining to all cigarette transactions entered into by the tribe through its employees and agents shall be centrally maintained by the Tribe. In addition, each authorized sales agent shall keep and maintain accurate records and books of account pertaining to his or her sales in a form and manner approved by the Tribal Manager. The tribe shall have the right to inspect and audit such books and records upon demand. Authorized personnel of the tribe may at any time enter the premises of any authorized sales agent and examine the books and records and inspect the premises where cigarettes are sold or stored to determine whether this ordinance is being complied with.

(e) Appointments made pursuant to this section are not assignable, either in whole or in part. However, nothing in this ordinance shall

personal property used in connection therewith is unlawful property and subject to seizure and forfeiture.

(c) Nothing contained herein shall prevent the tribe from bringing suit in any court of competent jurisdiction for an accounting, money damages, or equitable relief for violation of this ordinance.

(d) Jurisdiction is hereby conferred upon the Tribal Court over matters pertaining to the enforcement of this ordinance.

Section 701.10 - Revocation of existing licenses

All licenses for dealing in cigarettes issued prior to the effective date of this chapter and revocable at the will of the Tribal Council shall be revoked as of the effective date of this chapter.

Section 701.11 - Repeal

Resolution No. 9-21-83-18 and the ordinance adopted thereby is repealed.

Section 701.12 - Effective Date

This ordinance shall be effective from the date of passage, provided that any authorized sales agent shall be allowed to possess cigarettes not bearing the tribal stamp until such time as the tribe is ready to affix such stamp, and any other member possessing cigarettes for sale shall be allowed five days to dispose of them.