

ORDINANCE NO. 6

LICENSING AND REGULATION OF BUSINESS ENTERPRISE

STATEMENT OF PURPOSE: An Ordinance to license and regulate business enterprises or profit making effort upon trust or restricted fee property of the Saginaw Chippewa Indian Tribe of Michigan.

BE IT ENACTED, by the Saginaw Chippewa Tribal Council as follows:

Section 1. Short Title

This Ordinance may be cited as the Licensing Ordinance of the Saginaw Chippewa Indian Tribe of Michigan.

Section 2. Interpretation

This Ordinance shall be deemed as a exercise of the general police power of the Saginaw Chippewa Tribe for the protection of the public welfare, health, peace and morals of the Saginaw Chippewa Indian Tribe of Michigan and all provisions of this Ordinance will be liberally construed for the accomplishment of this purpose.

Section 3. Authority

The authority for this Ordinance is set out in the Tribal Constitution in Article VI Section 1 (c), (e), (f) and (g), and in the very nature of Tribal existence to protect the Tribe from outside interference economically, socially and politically.

Section 4. Licensing Power

The Tribal Council shall have the sole and exclusive power to license and regulate any and all business enterprises or other profit making activities over trust and restricted fee lands within the Isabella and Saganing Reservations.

Section 5. Exclusion Power

If it is determined by federal law or court decision that the Tribal Council does not have the power to license particular a business or individual within the Reservations, then the Tribal Council may exclude that business from setting up on the Reservation and cloaking itself with the Tribe's special rights and privileges under federal laws and court decisions.

Section 6. Application for License

Prior to the development of any business enterprise or profit making activity, the developers shall file an application for license. The application for license must include the following information:

- (a) Name and address of applicants;
- (b) Name and type of business;
- (c) When and where the business will be established;
- (d) A general proposal outlining the nature of the business and the effect it shall have on the Tribe and Tribal members.

Section 7. Effect on Previously Existing Business

Upon receipt of an application for license it shall be determined if any such activity is in existence and currently being pursued on the Reservation. If such activity exists:

- (a) A new activity shall not be licensed if that business or profit making enterprise is being carried on in the name of the Tribe.
- (b) The Tribal Council shall not issue a license without first determining the effect that issuance will have on an established business profit making enterprise.

Section 8. Regulation

All Tribally licensed businesses shall operate under applicable federal law and existing tribal regulations or regulations promulgated by the Tribal Council for the specific purpose. In no case shall a license be issued to a new business or profit making enterprise without first having regulations to guide that business.

Section 9. Existing Businesses

All businesses in existence on tribal trust and restricted fee land shall have 120 days from the approval date of this Ordinance to apply for a license.

Section 10. Taxi Cab Licenses and Regulations

- (a) No person shall open or operate a taxi cab business without first securing a

license to operate from the Tribal Council.

- (b) Any taxi cab operated must have current and adequate levels of insurance, either in amounts equal to or greater than that required by the State, or in greater amounts as Tribal Council may from time to time require.
- (c) Each taxi cab driver is required to have a current and valid Michigan driver's license.
- (d) Each taxi cab is required to post current fares or rates in a conspicuous place.
- (e) Each taxi cab is required to post the maximum number of occupants the taxi can hold in a conspicuous place.
- (f) Taxi cabs shall not exceed the legal number of occupants that may be securely seated in the vehicle under any circumstances.
- (g) Taxi Cab licenses are granted at the discretion of Tribal Council, and may be denied or revoked at any time for misconduct or negligence on the part of the licensee or his/her employees or contractors.

Section 11. Duty to Notify Tribal Officials of Hazardous Substance Storage

- (a) Every business licensed pursuant to this Ordinance shall make a written report to the Chief of the Saginaw Chippewa Tribal Fire Department, or his or her designee, of hazardous substances stored on the business property. Business property shall mean any property owned by the business on which the licensed business enterprise or activities are located including all buildings, storage facilities or property owned, leased or used by the business licensee.
- (b) The report of hazardous substances shall be made by any Business licensee storing hazardous substances in amounts equivalent or greater than the amounts subject to reporting requirements of federal law pursuant to sections 311 and 312 of the Superfund Amendments and Reauthorization Act (SARA Title III).
- (c) The report of hazardous substances must be received by the Tribal Fire Department no later than July 31 of each year.
- (d) The report of hazardous substances shall provide the name of all hazardous substances, the chemical composition of the hazardous

substances, amounts of hazardous substances currently and routinely stored, the location and the manner of storage.

- (e) For purposes of this Ordinance Hazardous Substances shall mean those substances regulated by SARA Title III and its corresponding regulations as amended.

Section 12. Violations, Jurisdiction

- (a) Any person(s) who violate any provisions of this Ordinance by operating a business or profit making enterprise without proper license, shall be guilty of a civil offense punishable by closure of the business and or a fine of not more than five hundred dollars (\$500), plus court costs.
- (b) Violation of any licensing agreement or of applicable regulations, may result in the closure of the business or profit making enterprise, suspension of the license until curative action is taken, or of a fine of not more than five hundred dollars (\$500), plus court costs.
- (c) The Saginaw Chippewa Community Court shall have jurisdiction over all violations of this ordinance. Nothing, however, in this ordinance shall be construed to authorize or require the Trial and punishment of non-Indian except to the extent allowed by any applicable federal law or court decisions.

Legislative History

Enacted April 18, 1983 by Tribal Council Resolution L&O-04-83; Section 6 and Section 8 amended, new Section 10 and 11 added by Resolution 11-082 approved on April 27, 2011 .