

PUEBLO of ISLETA

P.O. Box 1370

Isleta, New Mexico 87022

RESOLUTION NO. 97-~~045~~ ENACTING PUEBLO OF ISLETA LIQUOR ORDINANCE

At a duly called meeting of the Tribal Council of the Pueblo of Isleta, the following resolution was passed:

WHEREAS the Tribal Council of the Pueblo of Isleta, a federally-recognized tribe of Indians within the State of New Mexico, has determined that it would be proper and desirable for the Pueblo of Isleta to enact an ordinance regarding the sale of alcoholic beverages and other transactions in connection therewith, within the Reservation of the Pueblo of Isleta and in accordance with Title 18, Section 1161 of the United States Code, and

WHEREAS the Tribal Council of the Pueblo of Isleta has examined the proposed "Pueblo of Isleta Liquor Ordinance" (attached) and determined that it should be approved, adopted, and enacted into law, and should be submitted to the Secretary of the United States Department of the Interior for approval,

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. That the Pueblo of Isleta has jurisdiction over the area of Indian country in which the proposed "Pueblo of Isleta Liquor Ordinance" would apply, namely, the Pueblo of Isleta Reservation;
2. That the Tribal Council has reviewed the proposed "Pueblo of Isleta Liquor Ordinance" and finds that it establishes appropriate requirements, limitations, and standards for acts or transactions involving liquor, and that such requirements, limitations, and standards are in conformity with the laws of the State of New Mexico;
3. That the above-referred to "Pueblo of Isleta Liquor Ordinance" be, and the same hereby is, approved, adopted, ordained, and enacted into law by the Pueblo of Isleta;
4. That, in accordance with Title 18, Section 1161, of the United States Code, the "Pueblo of Isleta Liquor Ordinance" should be submitted to the Secretary of the United States Department of the Interior for certification and publication in the Federal Register; and

5. That the Governor of the Pueblo of Isleta and other appropriate tribal officials be directed and authorized to execute all documents, and take all other steps that may be necessary, to carry out the intent and purposes of this Resolution and of the "Pueblo of Isleta Liquor Ordinance," once that Ordinance has been certified and published in the ~~Federal~~ Register in accordance with federal law.

6. That this Resolution supplants Resolution No. 97-009, dealing with the same subject matter.

CERTIFICATION

We, the undersigned, do hereby certify that the foregoing Resolution was passed at a duly called meeting of the Tribal Council of the Pueblo of Isleta, held on the 17 day of July, 1997, at which a quorum was present, with 7 voting for, 0 opposing, and 2 abstaining.



Governor

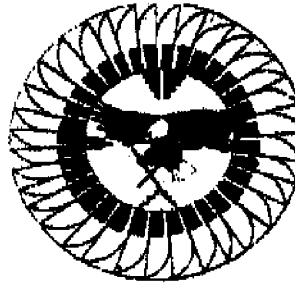


President

Attest:



Secretary



PUEBLO of ISLETA

P.O. Box 1270

Isleta, New Mexico 87022

PUEBLO OF ISLETA LIQUOR ORDINANCE

BE IT ORDAINED AND ENACTED by the Pueblo of Isleta as follows:

Section 1. Introduction

- A. **Title.** The title of this ordinance shall be the Liquor Ordinance of the Pueblo of Isleta.
- B. **Authority.** This ordinance is being passed and enacted in accordance with the inherent governmental powers of the Pueblo of Isleta, and specifically under Article V, Section 2(e) of the Pueblo of Isleta Constitution. This Ordinance is in conformance with the laws of New Mexico, as required in 18 U.S.C. Section 1161.
- C. **Purpose.** The purpose of this ordinance is to regulate the sale of intoxicating liquor within the exterior boundaries of the Pueblo of Isleta.

Section 2. Definitions

"**Governor**" means the Governor of the Pueblo of Isleta or his designee.

"**Individuals employed by the Pueblo**" means persons who are tribal employees.

"**Intoxicating beverage**" includes the four varieties of liquor commonly referred to as alcohol, spirits, wine, and beer, and all fermented, spiritous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spiritous, vinous, or malt liquor, or otherwise intoxicating, and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine, or beer.

"**Licensed establishment**" means a physical area of Pueblo of Isleta tribal land designated by the Pueblo of Isleta Tribal Council as a licensed

establishment for the purpose of selling intoxicating beverages. Designation by the Tribal Council must show the perimeters of the land and building of the establishment. A map and general description will be required.

"Minor" means any person under the age of twenty-one (21) years.

"Permittee" means a person employed by the Pueblo of Isleta and authorized by the Pueblo of Isleta Tribal Council to sell and serve intoxicating beverages, the permit for such designation having been issued pursuant to Section 6 of this Ordinance.

"Pueblo" means the Pueblo of Isleta, a federally-recognized tribe of Indians, located within the exterior boundaries of the State of New Mexico.

Section 3. General

The sale of intoxicating beverages shall be lawful within the exterior boundaries of the Pueblo of Isleta and all other lands of the Pueblo over which the Pueblo has jurisdiction if such sale is made in conformance with New Mexico state law, if applicable, and authorized by this Ordinance.

Section 4. Location of Sales

All sales of intoxicating beverages must be made at establishments which are wholly owned and operated by the Pueblo and which are duly licensed to engage in such sales by the Pueblo. No licensed establishment shall be located closer than 500 feet from any church, school, or military installation. A licensed establishment will be specifically designated so as to permit sales either by the package or by the drink.

Section 5. Sales Allowed

Only individuals employed by the Pueblo and specifically authorized by the Pueblo of Isleta Tribal Council may engage in the sale of intoxicating beverages within the exterior boundaries of the Pueblo of Isleta and in accordance with this Ordinance.

**Section 6.
Permits**

Only individuals employed by the Pueblo of Isleta and specifically authorized by the Pueblo of Isleta Tribal Council may sell and serve intoxicating beverages:

A. Permit Procedure

1. Only persons authorized by the Pueblo of Isleta Tribal Council may be duly granted a permit to sell intoxicating beverages.
2. A person applying for a permit must furnish to the Governor and Tribal Council a completed application for a "Liquor Permit." Such application must contain, among other things, the following information:
 - a. an exhaustive listing of all jobs, businesses, and other employment for the immediately preceding ten years;
 - b. a listing of all residences for the immediately preceding ten years, including street address, city, and state, and dates of residence at each different location;
 - c. a list of every liquor license or permit, by number and state, in which the applicant has directly or indirectly owned or had any interest;
 - d. detail with respect to past criminal activity, including conviction for any felony, conviction for any misdemeanors, and conviction for a violation of any federal or state liquor control act in any calendar year, except that traffic offenses need not be listed;
 - e. detail as to whether the applicant ever applied for a liquor license or permit from any governmental entity and was denied and the reasons for any denial.
3. The applicant shall provide two complete sets of fingerprints on a form designated; the costs associated with supplying the complete sets and the investigation thereafter will be borne exclusively by the applicant.
4. The applicant must give his consent that the fingerprints may be processed by local and national law enforcement agencies and all other available agencies. If the search, by virtue of the fingerprint submission, reveals any adverse information which was not shown by

the applicant on the application, the applicant will be given an opportunity to explain the circumstance of such omission or challenge the authenticity of the revealed information.

B. Granting, Denial, Termination or Revocation of Permit. The granting, denial, termination, or revocation of a permit to an applicant will be within the discretion of the Pueblo of Isleta Tribal Council. The Governor, after reviewing the application and making appropriate inquiry, will make a recommendation to the Tribal Council. The following classes of persons shall be prohibited from being granted a permit to sell or serve intoxicating beverages:

1. Any person convicted of a felony;
2. A minor.

Upon termination of employment with the Pueblo, an individual's authorization shall be revoked as of said employee's termination date.

Revocation of a permit will occur only following an opportunity to be heard.

C. Licensed Establishments. Sales of intoxicating beverages will occur only at establishments wholly owned and operated by the Pueblo and duly licensed by the Pueblo. The license for an establishment must show the perimeters of the land and building of the establishment. A map and general description will be required. A parcel of land not containing a building, so long as the perimeters thereof are defined, may be a Licensed Establishment, including but not limited to areas within a golf course.

D. Prohibited Sales and Practices.

No permittee shall

1. sell, serve, or dispense intoxicating beverages to any person who is obviously intoxicated;
2. Award intoxicating beverages as prizes;
3. Sell intoxicating beverages at a drive-up or walk-up window;
4. Sell intoxicating beverages to a minor who has not attained the age of twenty-one (21);
5. Knowingly sell intoxicating beverages to an adult purchasing such liquor on behalf of a minor or an intoxicated person.

6. Allow a person to bring intoxicating beverages onto the premises of a Licensed Establishment for the purposes of consuming them himself, or providing them to other individuals.

Section 7. Penalties

A. Criminal Penalties.

1. A permittee who is found guilty of violating any portion of this Ordinance shall be have his/her permit immediately revoked and such individual shall be subject to a fine not to exceed \$500.00 for each violation.
2. Any person who is found guilty of purchasing intoxicating beverages on behalf of a minor or an intoxicated person shall be subject to a fine of \$500.00 for each violation or one (1) month in jail.
3. Any minor attempting to purchase intoxicating beverages or found in possession of intoxicating beverages shall be fined not more than \$500.00 for each violation.
4. Any person who is found guilty of having made any false statement or concealed any material facts in his application for the permit granted him pursuant to the provisions of this Ordinance shall be immediately discharged from employment and fined not more than \$500.00 for each violation.

B. Civil Penalties.

1. Any permittee violating any provision of this Ordinance or regulations promulgated hereunder may be subject to immediate revocation of his permit as well as immediate termination of his employment.
2. Any person possessing intoxicating beverages in violation of this Ordinance will be subject to having those beverages summarily confiscated by an authorized person. Confiscation will not preclude other civil and criminal penalties.

**Section 8.
Rules and Regulations**

The Tribal Council may adopt and enforce rules and regulations to implement this Ordinance. The rules and regulations will be in conformance with New Mexico state law, if applicable, and with this Ordinance.

**Section 9.
Citations; Enforcement**

Citations for violations of a provision of this Ordinance or rules or regulations promulgated hereunder may be issued by an officer of the Pueblo of Isleta police department or any person authorized by the Governor.

**Section 10.
Repeal**

This Ordinance repeals the prior Liquor Ordinance of the Pueblo of Isleta, enacted in 1969. This repeal shall be effective upon the final approval of this Ordinance by the Secretary of Interior or his designated representative.

**Section 11.
Severability**

In the event any provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, all other provisions shall not be affected and shall remain in full force and effect.

**Section 12.
Sovereign Immunity**

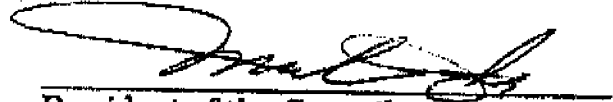
The sovereign immunity of the Pueblo of Isleta shall not be waived by this Ordinance.

CERTIFICATION

--The foregoing Ordinance was ordained and enacted at a duly called meeting of the Tribal Council of the Pueblo of Isleta, held on the 17th day of July, 1997, a which a quorum was present, with 7 voting for, 0 opposing, and 2 abstaining.



Governor



President of the Council

Attest:



Secretary of the Council