

**PRAIRIE ISLAND INDIAN COMMUNITY
CIGARETTE ORDINANCE #6**

SECTION I. DEFINITIONS.

A. "License" shall mean permission to operate a cigarette retail outlet on the Prairie Island Indian Reservation issued under the provisions of this ordinance.

B. "Vendor" shall mean a person holding a current valid license.

C. "Cigarette Commissioner" shall mean a person appointed by the Prairie Island Indian Community Council to oversee cigarette operations on the Reservation.

SECTION II. CIGARETTE COMMISSIONER.

A. The term of the Cigarette Commissioner shall be two years from the date of his/her appointment.

B. The Cigarette Commissioner must be member of the Prairie Island Indian Community and 21 years of age or older.

C. The Cigarette Commissioner shall report at least monthly to the Community Council on cigarette operations within the reservation, shall promptly upon receipt remit any excise taxes, application or license fees collected to the Treasurer of the Prairie Island Indian Community Council, and shall perform all other duties as set forth in this ordinance.

SECTION III. LICENSES.

A. There is hereby authorized to be issued a maximum of three annual licenses to operate as vendors under the terms and conditions of this ordinance.

1. Licenses shall be for the term of one year or less, running from the date of issuance to December 31 of the calendar year of issuance.

2. A fee for issuance of a license shall be \$100.00 payable upon receipt of the license.

3. Application procedure.

(a) An applicant for a license must be a member of the Prairie Island Indian Community 21 years of age or older.

(b) The applicant shall complete an application form, as provided by the Cigarette Commissioner, and shall submit it to him/her within twenty days after announcement that one or more licenses under this ordinance are available for issuance.

(c) The applicant shall accompany his/her application with:

i. A non-refundable application fee of \$10.00.

ii. Proof that the applicant's financial assets exceed his/her liabilities by an amount equal to or greater than \$5,000.00.

(d) Twenty days after announcement that one or more license(s) are available, the Cigarette Commissioner shall declare the application period closed, shall promptly reject any incomplete application notifying the applicant at once, and shall proceed to evaluate the balance of the applications for the available licenses, according to the information contained therein and accompanying documents. He/she shall issue the available license(s) to the applicant(s) most qualified to operate as a vendor under the terms and conditions of this ordinance.

4. Upon receipt of a license hereunder, an applicant shall post a bond in an amount, to be established by the Cigarette Commissioner annually, sufficient to ensure payment to the Community of the projected annual excise tax.

B. There is hereby issued to the Community, without the necessity for payment of fees or filing of an application therefore, an annual license to operate as a vendor under the terms and conditions of this ordinance, save only that payment of excise taxes shall not be required, since all net proceeds of the Community's operation under the license shall belong to the Community.

SECTION IV. EXCISE TAX.

A. There is hereby imposed an excise tax on the sale of each carton of cigarettes sold by a vendor in the amount of five cents (\$.05).

B. Each vendor must file, with the Cigarette Commissioner, a complete report of sales during a month and remit the excise tax on such sales. Such report and remittance must be made no later than the 15th day of the month following that to which the report applies.

C. The Community, in its capacity as vendor, shall be exempt from this tax but not the requirement to report.

SECTION V. OPERATION UNDER LICENSE.

A. The license issued hereunder shall authorize the vendor to operate a retail sales outlet for the sale of cigarettes only.

B. No vendor may sell more than four cartons of cigarettes to a single purchaser in a single transaction.

C. A vendor must keep complete and accurate records of inventory, sales, payroll, taxes paid and withheld, and all other facets of business operations. The books and records maintained by each vendor operating under a license shall be open for inspection by the Cigarette Commissioner at all times during normal business hours.

SECTION VI. REVOCATION OR SUSPENSION OF LICENSE.

A. The Cigarette Commissioner may suspend a license issued under this ordinance for violation of any of the terms of this ordinance.

1. For failure to submit the report or remit the excise tax required by Section IV(b), or for refusal to permit inspection of books or records as required by Section V(C), such suspension shall cease upon compliance with the indicated section.

2. No suspension shall continue for more than ninety days, provided, however, that the Cigarette Commissioner may make a recommendation at any time to the Community Council that a license be revoked.

B. The Community Council may revoke a license issued under this ordinance for violation of any of the terms of this ordinance.

1. Upon receiving a request from the Cigarette Commissioner or any other Community member(s) to consider revocation of a license, the Community Council shall schedule the matter for a hearing at a regular or special meeting of the Community Council.

2. The Community Council shall provide written notice at least three days in advance to the vendor that revocation of his/her license(s) will be considered.

3. The Community Council shall permit statements or testimony by any person wishing to give such at the revocation hearing.

4. The Community Council, may by majority vote, revoke a license.

C. One prior license revocation shall not prevent a person, otherwise qualified, from applying for a subsequent license under Section III. Two prior license revocations shall render a person ineligible from applying for subsequent licenses.

Enacted and to become effective this 19th day of April, 1988.