

Pyramid Lake Paiute Tribal Council

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RESOLUTION NO.: PL 078-20

RESOLUTION OF THE TRIBAL COUNCIL OF THE PYRAMID LAKE PAIUTE TRIBE NIXON, NEVADA

WHEREAS, the Pyramid Lake Paiute Tribe is organized pursuant to the provisions of Section 16 of the Indian Reorganization Act (25 U.S.C. § 476) and is federally recognized by the United States Government through the Secretary of the Interior and the Bureau of Indian Affairs; and possesses attributes of sovereignty over both the members and territory.

WHEREAS, the Pyramid Lake Paiute Tribe, pursuant to Article VI, Section 1 of the Constitution and By-laws of the Pyramid Lake Paiute Tribe, authorized the Pyramid Lake Tribal Council to act on behalf of the Pyramid Lake Tribe, and to promulgate ordinances to safeguard the peace and safety of residents of the Reservation and to establish courts for the adjudication of claims and disputes; and

WHEREAS: pursuant to these powers, the Tribal Council has created a Law & Order Code and other laws and ordinances to govern the conduct of people within the Tribe's Reservation; and

WHEREAS: the Tribal Council has recognized the importance of reviewing and updating the Law and Order Code to ensure the Code meets the Tribe's needs and best serves to protect the interests of the Tribe, its members and persons living and working on Tribal lands; and

WHEREAS: to meet this goal, the Tribe's Law and Order Committee has recommended that the Tribal Council add revised Title 3 Chapter 17 – Business License and Permitting Ordinance of the Law and Order Code 2013 to current code.

WHEREAS: the revised Title 3 Chapter 17 – Business License and Permitting Ordinance was posted for at least thirty days to allow for public comment, 3 comments received by the Law and Order Committee and the Committee submitted its recommendation to the Tribal Council;

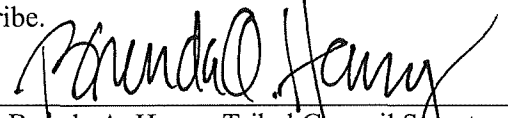
NOW, THEREFORE BE IT RESOLVED, that the Pyramid Lake Paiute Tribal Council hereby accepts the recommendation of the Law and Order Committee and hereby adopts the revised Title 3 Chapter 17 – Business License and Permitting Ordinance of the Law and Order Code.

BE IT FURTHER RESOLVED, the Tribal Chairman or designee is hereby authorized to effectuate any and all administrative actions necessary for implementation of this resolution.

BE IT FINALLY RESOLVED, nothing in this resolution shall be construed as a waiver of the sovereign immunity of the Pyramid Lake Paiute Tribe.

CERTIFICATION

It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of ten members, of whom eight (8) constituting a quorum were present at a meeting duly held on the 7th day of August 2020 was adopted by the affirmative vote of seven (7) FOR and zero (0) AGAINST, with zero (0) ABSTENTIONS; pursuant to the authority contained in the Constitution and By-laws of the Pyramid Lake Paiute Tribe.



Brenda A. Henry, Tribal Council Secretary
Pyramid Lake Paiute Tribal Council



BUSINESS LICENSE AND PERMITTING ORDINANCE

Title III Chapter 17

Pyramid Lake Paiute Tribe

Approved August 7, 2020
Resolution No.: PL 078-20

**PYRAMID LAKE PAIUTE TRIBE
BUSINESS LICENSE AND
PERMITTING ORDINANCE**

**TITLE III
CHAPTER 17**

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**PYRAMID LAKE PAIUTE TRIBE
BUSINESS LICENSE AND
PERMITTING ORDINANCE**

**TITLE III
CHAPTER 17**

GENERAL PROVISIONS

3.17.01 AUTHORITY

The Pyramid Lake Paiute Tribe is recognized as an “inherent sovereign nation,” and as such the Pyramid Lake Paiute Tribe has the inherent sovereign authority to regulate the conduct of persons and activities within the exterior boundaries of the Pyramid Lake Paiute Reservation, including regulating and taxing economic activity within its boundaries.

3.17.02 PURPOSE

1. This Chapter is adopted by the Pyramid lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, pursuant to the provisions of the Constitution and By-Laws of the Pyramid Lake Paiute Tribe. The provisions of this Chapter shall be construed in accordance with the fullest interpretation of the Tribe’s taxing and regulatory authority permitted by applicable laws, including those provisions within the Tribe’s Constitution and By-Laws.
2. In the exercise of its inherent authorities, and pursuant to the Constitution, the Tribal Council finds it necessary to implement a system of business licensing and permitting for the conduct of business within the boundaries of the Reservation.

3.17.03 DEFINITIONS

As used in this Ordinance, unless the context requires otherwise, the following definitions shall apply:

“Business” includes a corporation, partnership, sole proprietorship, business association or natural person who conducts an activity or who performs a service or engages in a trade for the purpose of generating a profit.

“Charitable organization” means a nonprofit 501(c)(3) corporation, association, or organization, or a licensed medical facility or facility for the dependent.

“Department” means the Business Licensing Department, established under this Chapter.

“Gross receipts” means the total sum of receipts for all business conducted on the Reservation, without any

deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service costs, place of delivery of the property sold, interest paid or payable, losses or other expenses whatsoever. "Gross receipts" does not include any sales exempt under the Tribe's Tax Code.

"License" means a revocable, limited-term grant of permission to operate a business within the Reservation.

"Permit" means a revocable, temporary grant of permission to be on the Reservation for a certain purpose.

"Person" means any natural person, trustee, independent contractor, contractor, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution agency, government corporation, municipal corporation, district or other political subdivision, supplier, operator, user or owner, or any officers, agents, employees or other representative, acting either for himself or herself or for any other person in any capacity, or any other entity recognized by law.

"Reservation" means the Pyramid Lake Paiute Reservation.

"Special Event Business" means a business that is operated for a brief period of time in conjunction with a special event taking place on or near the Pyramid Lake Paiute Reservation.

"Tribal Council" means the Pyramid Lake Paiute Tribal Council.

"Tribal Court" means the Pyramid Lake Tribal Court.

"Tribe" means the Pyramid Lake Paiute Tribe.

3.17.04 BUSINESS LICENSE REQUIRED

1. Any person who engages in a business within the jurisdictional boundaries of the Reservation must obtain the appropriate business license or permit before operating or conducting business on the Reservation. A person is subject to this requirement if said person: a) holds themselves forth as being engaged in a business, trade, calling, industry, occupation or profession; or b) rents, leases, or subleases any commercial or industrial property, or assignment. (Prior PLPT Tribal Council sub-lease approval required.)
2. Business licenses are non-transferrable.
3. Every person having a license under the provisions of this Chapter and carrying on a business shall prominently display this license in the place of business for which it is issued.
3. All business licenses and shall expire on December 31st of each year.

03.17.05 CONSENT TO TRIBAL JURISDICTION

Any person who applies for and receives a business license or permit under this Chapter consents to the jurisdiction of the Tribe, and consents to all applicable tribal laws. Any violation of tribal law related to the regulation of any type of Tribal business activity may subject the violator to revocation of his/her license.

3.17.06 EXEMPTIONS

The following shall not be required to obtain a business license under this Chapter:

1. Federal, state, and local governmental agencies.
2. Tribal programs and/or departments performing essential governmental functions.
3. Charitable, religious or non-profit organizations engaged in raising funds for religious or charitable purposes. (Must provide 501(c)(3) designation.)
4. Any school, club, or athletic organization engaged in staging athletic events for which an admission fee is charged, provided such admission fees do not accrue to the personal benefit of any individual.
5. Native Americans who are engaged in the creation and/or sale of traditional Native American arts and crafts in their home or within the jurisdictional boundaries of the Tribe.
6. Vendors at occasional events on the Reservation, such as pow-wows, community related sales or other cultural activities.

ESTABLISHMENT OF BUSINESS LICENSING DEPARTMENT

3.17.100 THE OFFICE OF BUSINESS LICENSING AND TAXATION ESTABLISHED

There is established a department of Tribal government to be known as The Office of Business Licensing and Taxation, established under the Pyramid Lake Paiute Tribe Business Office. The Business Officer shall serve as the department head. In the absence of a department head, the Pyramid Lake Paiute Tribe's Executive Officer, or his/her designee, shall assume the powers and duties of the department head.

3.17.101 GENERAL AUTHORITIES

1. The Business Licensing Department has the authority to grant, deny, or withdraw a business license or permit, except as limited by applicable law.
2. The Business Licensing Department has the right to revoke a business license or permit; to modify, limit, or otherwise alter the extent of the business license or permit; and to establish and enact such regulations relating to the issuance and enforcement of business licenses and permits within the as it may deem desirable.

3.17.102 DEPARTMENT HEAD – POWER AND DUTIES.

The Department Head shall oversee:

1. Collection of all fees and penalties pursuant to this chapter;
2. Print and make available to the public the following forms:
 - (a) Application(s) for an initial license or permit;
 - (b) Application(s) for renewal licenses.
3. Process all license and permit applications;
4. Issue approved licenses and permits;
5. Determine the amount of license fees in accordance with the rates established in this chapter;
6. Enter at reasonable times upon any business licensed or permitted under this chapter to determine compliance with any provision of this chapter;
7. To cause to have written notice served upon any alleged violator of any provision of this chapter;
8. To propose any rules necessary for the implementation of this chapter;
9. Such other duties as may hereafter specify in implementation of the provisions of this chapter.

APPLICATION PROCESS

3.17.200 APPLICATION FOR BUSINESS LICENSE

1. Applications for all licenses and renewals required by this chapter shall be made in writing to the department on a form provided by the department.
2. Each application must be accompanied by an administrative fee of twenty-five dollars (\$25.00), the required administrative fee and application must contain:
 - (a) Name, address (mailing and physical), telephone number(s), and email addresses of the owner or owners of the business.
 - (b) Trade name, if any, to be used by the company.
 - (c) Type of license applying for.
 - (d) Location at which the business will be conducted.
 - (e) A sworn statement that the applicant will comply with all laws applicable to the applicant's business.
 - (f) A statement that the applicant consents to the jurisdiction of the Pyramid Lake Tribal Court and service of process in matters arising from the conduct of business.
 - (g) The name, address, and signature of the agent who will accept service of process on behalf of the company.
3. If the applicant is the sole owner, the information shall be required of him. If the applicant is a partnership, the information shall be required of each general partner. If the applicant is a corporation, the information shall be required of each officer and director. If the applicant is a limited liability company, the information shall be required of the manager and each member.
4. Each applicant and licensee must be at least 18 years of age.

3.17.201 NEW LICENSE REQUIRED FOR CHANGE OF LOCATION

1. No license issued under this chapter authorizes the conduct of any business at a location other than the location specified on the license.
2. A person desiring to change the location of a business must submit an application therefor to the department together with a non-refundable service fee in the amount of \$20.00.
3. If the department finds that the transfer is not otherwise prohibited under this chapter, the applicant shall surrender the existing license to the license department and the license department shall issue a new business license for the changed location.
4. If the license department denies the application for change of location, it shall provide the reasons for the denial to the applicant in writing.

3.17.202 NEW LICENSE REQUIRED FOR A CHANGE OF NAME/OWNER(S)

1. No license issued under this chapter authorizes the conduct of any business with a name or ownership other than as specified in the application or on the license.
2. A person desiring to change the name or ownership of a business must submit an application therefor to the department together with a non-refundable service fee in the amount of \$20.00.
3. If the department finds that the transfer is not otherwise prohibited under this chapter, the applicant shall surrender the existing license to the department and the department shall issue a new business license for the changed name and/or ownership.
4. If the department denies the application for change of name or owner(s), it shall provide the reasons for the denial to the applicant in writing.

3.17.203 RENEWALS

Business licenses issued pursuant to this Chapter may be renewed, provided the department determines that the licensee is in compliance with law, in the following manner:

1. A business license may be renewed without penalty if the license department receives a properly completed application for renewal form and the appropriate license fee from a licensee within 30 days of the expiration date of an existing license.
2. If the department receives the form or the license fee after the expiration date, but no more than 30 days after the expiration date, a penalty equal to 25 percent of the license fee for the next year shall be added to the license fee and the total sum shall be paid to the department before the license is renewed.
3. If the department receives the form or the fee more than 30 days after the expiration date of the license, but no more than 90 days after the expiration date, a penalty equal to 50 percent of the license fee for the next year shall be added to the license fee and the total sum shall be paid to the department before the license is renewed.

3.17.204 NOTIFICATION

The department shall notify the applicant by regular mail within fourteen (14) days after receipt of the application whether a license shall be issued or renewed. The license shall include a Tribal Identification Number.

3.17.205 DENIAL OF LICENSE OR RENEWAL

The award of a business license is a privilege and not a right. The Tribe reserves the right to refuse to issue a business license to any business if it is determined that:

1. the application is incomplete or the appropriate fee has not been paid;
2. the applicant has materially misrepresented facts contained in the application;
3. the applicant is presently in non-compliance with Tribal law or has engaged in a fraudulent, deceptive, or dishonest practice;
4. the applicant is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in commercial activity or any particular practice related to such activity;
5. the business will threaten the peace, safety, morals or general welfare of the Tribe.

3.17.206 RIGHT TO RECONSIDERATION AND HEARING.

Any applicant whose renewal application is denied may appeal that decision. The applicant will have seven (7) days from receipt of notice of denial to request a reconsideration with the department. The applicant may then appeal any denial of a renewal application under Section 3.17.500 of this Ordinance.

TYPES OF LICENSES AND PERMITS

3.17.300 LICENSE TERMS AND FEES

1. Seasonal Business License. All persons and/or businesses engaged in business on Tribal land for any period of more than five (5) consecutive days but less than three (3) consecutive months shall have a seasonal business license. The fee for a seasonal business license is fifty dollars (\$50.00).
2. Contracting Business License. All persons and/or businesses engaged in construction or contracting who do not have or maintain a permanent place of business within the Reservation shall be issued a Contracting Business License for a period no longer than the duration of the contract or job in which they are engaged within the Reservation. The initial fee for a Contracting Business License is one hundred and twenty-five dollars (\$125.00). If a Contractor will be bidding on multiple contracts or jobs; Contractor should apply for a Permanent Business License.
3. Permanent Business License. All persons and/or businesses engaged in business on Tribal land for any period of more three (3) consecutive months shall obtain a permanent business license. The initial fee for a permanent business license is one hundred and fifty dollars (\$150.00). Licenses issued under this paragraph 3 shall be issued for a continuous period, and shall be payable each 12 months, for 12 months in advance, beginning January 1 to December 31.
4. After the first full year, the business license renewal fees are based on reported annual gross receipts according to the following fee schedule:

Annual Gross Receipts	Renewal Fee Amount	Annual Gross Receipts	Renewal Fee Amount
\$ 25,000 and under	\$ 125.00	\$ 500,001 to \$1,000,000	\$ 350.00
\$ 25,001 to \$ 50,000	\$ 150.00	\$ 1,000,001 to \$2,500,000	\$ 600.00
\$ 50,001 to \$ 100,000	\$ 175.00	\$ 2,500,001 to \$ 5,000,000	\$ 650.00
\$ 100,001 to \$ 300,000	\$ 200.00	\$ 5,000,001 or more	\$ 700.00
\$ 300,001 to \$ 500,000	\$ 250.00		

3. Consolidated License. For businesses with multiple branches or locations, a consolidated license may be issued covering all of the person's businesses, provided that the same type of business is conducted at each location. An application must be completed for each location. The fee for a consolidated license shall be determined based on the total annual gross receipts for the business locations on the Reservation.
4. All license fees are non-refundable and non-transferable.

3.17.301 PERMITS

A person, business, charitable organization, or Native American vendor who are engaged in business on temporary basis, sporadically, or periodically must obtain a business permit from the department, as follows:

1. Temporary Business Permit. All persons engaged in business on the Reservation for a period of not more than five (5) consecutive days. The fee for a temporary business permit is ten dollars (\$10.00).
2. Special Event Permit. All persons engaged in business as part of a special event. The fee for a special event permit is fifty dollars (\$50.00) per event.
3. Native American Vendor Permit. Any Native American who is engaged in the sale of traditional Native American arts and crafts in their home or within the jurisdictional boundaries of the Tribe. The annual fee for a Native American Vendor Permit is ten dollars (\$10.00).
4. Charitable Fundraising Permit. (Must provide 501(c)(3) designation.) Charitable organizations engaged in raising funds for religious or charitable purposes. The annual fee for a Charitable Fundraising Permit is ten dollars (\$10.00).
5. Vendor Permit. Temporary vendors or peddlers selling goods at occasional events on the Reservation, such as pow-wows, community related sales or other cultural activities. The fee for a Vendor Permit is fifty dollars (\$50.00) per event.

3.17.302 SPECIAL LICENSES

In addition to a general business license, the following businesses must also obtain a specific license, pursuant to the applicable tribal law:

1. Gaming Operations
2. Medical Marijuana Establishment and Recreational Marijuana Business
3. Liquor Business
4. Mining Operations
5. Energy Generation Operations
6. Food Service Business

3.17.303 TERMS AND CONDITIONS OF BUSINESS LICENSE AND PERMITS

As a condition for receiving a license or permit, a person must agree to comply with the following:

1. Each licensee or permittee shall comply with all Tribal laws, including health and safety laws, employment preference agreements, building codes, land and zoning codes, and applicable federal law. The licensee or permittee is also required to comply with any additional Tribal laws enacted after issuance date of license.

2. The Tribe may require that a license applicant have and maintain in force, liability insurance naming the applicant as an insured and providing for coverages, terms and conditions as the Tribe may deem necessary.
3. Each licensee or permittee consents to the jurisdiction of the Tribal Court as to any cause of action, including tortious acts, arising in connection with the transaction of any business within the boundaries of the Pyramid Lake Reservation.
4. Each licensee or permittee consents to the service of process of the Tribal Court with respect to all actions over which the Tribal Court has subject matter jurisdiction, in accordance with the Rules of Procedures of the Court.

VIOLATIONS AND ENFORCEMENT

3.17.400 FAILURE TO OBTAIN LICENSE OR TO COMPLY WITH TERMS OF LICENSE

Any person who fails to obtain a license or permit required under this Chapter shall be issued a Notice of Violation, and may be prohibited from transacting business on the Reservation for up to one year and/or assessed a fine of up to \$5,000 per occurrence.

3.17.401 FAILURE TO COMPLY WITH LICENSE/PERMIT TERMS.

Any person who fails to comply with the terms of a license or permit under this Chapter shall be issued a Notice of Violation, which may include an order to show cause why that person's license should not be revoked.

3.17.402 REVOCATION OF BUSINESS LICENSE

1. A person's business license may be revoked or suspended for any of the following reasons:
 - (a) The Licensee made a material misrepresentation, false, or misleading statement in the application for license.
 - (b) If, or should an operation of a business constitute an immediate, clear and present danger or threat to the health, peace, safety or welfare of the Pyramid Lake Paiute Tribe.
 - (c) The licensee is in violation of any or all Tribal laws, codes, ordinances, compacts or agreements of any kind as determined by the department.
 - (d) Failure to maintain any insurance that may be required by Section 3.17.303.02.
 - (e) The Tribe may suspend a license, rather than revoking a license, in order to afford the Business Licensee a reasonable opportunity to cure the circumstances that gave rise to the suspension. Any suspension of a license shall be for the period of time specified in the notice of suspension. If the Licensee has not cured, to the satisfaction of the Tribe, the circumstances for the suspension by the end of the period of suspension, the Tribe shall revoke the license.
2. The Notice of Revocation or Suspension shall be given in writing, setting forth the specific grounds for revocation or suspension. The licensee shall be ordered to cease and desist business immediately. Notice shall be given to the person directly or sent by certified mail with return receipt requested.
3. A licensee whose license is revoked may file a written appeal to the Tribal Council in accordance with the procedure outlined in Chapter 3.17.502. The decision of the Tribal Council shall be considered final.

APPEALS

3.17.500 DENIAL OF RENEWAL FOR BUSINESS LICENSE

Any person who is denied the renewal of a business license may file a request for reconsideration with the department.

1. The request for reconsideration shall be in writing, dated and signed by the aggrieved party.
2. The request for reconsideration shall include a concise statement of relief and any new or previously unconsidered information that supports the relief.

3.17.501 ADMINISTRATIVE HEARING

Within seven (7) business days of receipt of the request for reconsideration, the department will set a date for the hearing and notify the applicant.

1. A hearing shall be held within 30 calendar days of receipt of the appeal request.
2. At the hearing, the applicant shall be provided the opportunity to present any testimony, documents, or other evidence to support the request.
3. The applicant will be notified of the final determination in writing, by certified mail, within seven (7) business days of the hearing.

3.17.502 APPEALS TO TRIBAL COUNCIL

1. After receiving a notice of revocation or suspension, and after a final determination upon Reconsideration (Chapter 3.17.500), a licensee may appeal to the Tribal Council.
2. A written notice of appeal shall be filed with the Tribal Secretary. The notice of appeal must be filed within five (5) business days of the Notice of Reconsideration decision. Failure to file a notice of appeal within five business days will waive the applicant's/licensee's right to bring a claim in any forum.
3. The Tribal Secretary shall notify the licensee in person, by U.S. mail, by telephone, or by other electronic means, of the time set for the hearing. The hearing will be scheduled for the next Tribal Council meeting, following receipt of appeal by the Tribal Secretary.
4. All parties to the appeal shall attend the Tribal Council meeting at which the appeal is to be heard.
5. The Tribal Council shall decide whether the appeal should be reversed if it finds the original decision was arbitrary, capricious, or an abuse of discretion. The decision of the Tribal Council will be final.

3.17.600 SEVERABILITY

If any section, subsection, paragraph, sentence, clause or word contained in the Chapter is declared invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Chapter, which shall remain in full force and effect.

3.17.700 EFFECTIVE DATE

This Chapter shall take effect immediately upon approval of the Pyramid Lake Tribal Council.