

Last amended: 2003

ORDINANCE PURSUANT TO SECTION 1161, TITLE 18, UNITED
STATES CODE, LEGALIZING AND REGULATING THE INTRODUCTION,
POSSESSION, USE AND CONSUMPTION OF ALCOHOLIC BEVERAGES

SECTION 1

- (a) It shall be unlawful to sell alcoholic beverages by the bottle, drink, can or other package within the exterior boundaries of those lands of the State of Nevada under the territorial jurisdiction of the Te-Moak ~~Bands~~ **Tribe** of Western Shoshone Indians, Nevada, without first obtaining a valid license issued by the Te-Moak ~~Western Shoshone Indians~~ **Tribal** Council.
- (b) Such tribal license will authorize the holder thereof to sell alcoholic beverages at retail in cans, bottles or other packages, or by the drink for consumption on the premises or within a defined area.
- (c) Such tribal license shall set forth the location and description of the building and premises or defined area where such sales may be made and for which said license is issued.
- (d) No such license shall be issued without the approval of the local governing body of the Colony or Reservation of the Te-Moak ~~Bands~~ **Tribe** of Western Shoshone, Nevada, upon the territory of which the proposed alcoholic beverage business is seeking to be licensed.
- (e) No such license shall be transferred without the prior consent of the Te-Moak ~~Western Shoshone~~ **Tribal** Council.
- (f) The different categories of licenses and the license fee schedules shall be established annually by the Te-Moak ~~Western Shoshone~~ **Tribal** Council by a duly passed resolution.
- ~~(g) Any such license fee collected by Te-Moak Western Shoshone Council shall be transmitted to the local governing body of the Colony or Reservation of the Te-Moak Bands of Western Shoshone upon the territory of which the alcoholic beverage business has been licensed.~~

SECTION 2

It shall be unlawful to use or consume any alcoholic beverages in a motor vehicle while such vehicle is being driven.

SECTION 3

It shall be unlawful to possess any open bottle, can, package or container or alcoholic beverage in the passenger compartment of a motor vehicle while such vehicle is being driven.

SECTION 4

It shall be unlawful for any person actually under the influence of alcoholic beverages to possess, use or consume alcoholic beverages.

SECTION 5

It shall be unlawful for any person to furnish alcoholic beverage to any person under the age of twenty-one (21) years or to leave or to deposit any alcoholic beverages with the intent that the alcoholic beverages shall be procured by any person under the age of twenty-one (21) years.

SECTION 6

It shall be unlawful for any person under the age of twenty-one (21) years of age to introduce, possess, use or consume alcoholic beverages.

SECTION 7

Any Indian who violates any of the provisions of the ordinance shall be deemed guilty of an offense and upon conviction thereof shall be punished by a fine of not more than \$300.00 or by imprisonment of not more than sixty (60) days or both such fine and imprisonment: Provided, however, that any person under the age of eighteen (18) years may, in the discretion of the judge, be treated as a juvenile and have the charge (s) disposed of pursuant to applicable juvenile law and procedures.

SECTION 8

When any provision of this ordinance is violated by a non-Indian, he or she shall be referred to the State and/or Federal authorities for prosecution under applicable law.

SECTION 9

Any licensee violating any provision of this ordinance may have said licensee's license suspended or revoked by the Te-Moak ~~Western Shoshone~~ Tribal Council provided that the licensee is given a written notice of the proposed suspension or revocation and afforded an opportunity for a hearing.

SECTION 10

All ordinances, resolutions or acts that have previously been enacted by the Te-Moak ~~Western Shoshone~~ **Tribal** Council which are in conflict with any provision of this ordinance are hereby repealed.

ORDINANCE NO. 82-ORD-TM-01 AS AMENDED BY ORDINANCE NO. 82-ORD-TM-03
ORDINANCE PURSUANT TO SECTION 1161, TITLE 18, UNITED STATES CODE,
LEGALIZING AND REGULATING THE INTRODUCTION, POSSESSION, USE AND
CONSUMPTION OF ALCOHOLIC BEVERAGES

NOW THEREFORE, be it enacted by the Te-Moak ~~Shoshone~~ **Tribal** Council of the Te-Moak **Tribe** of Western Shoshone Indians, Nevada, that pursuant to the authority vested in it by Article VII, Section 1 (f) of the Constitution of the Te-Moak ~~Bands~~ **Tribe** of Western Shoshone Indians, Nevada, and Article II, Section 1 of, the By-laws of the Te-Moak ~~Bands~~ **Tribe** of Western Shoshone Indians, Nevada, that the introduction, possession, use and consumption of alcoholic beverages shall be lawful within the exterior boundaries of those lands in the State of Nevada under the territorial jurisdiction of the Te-Moak ~~Bands~~ **Tribe** of Western Shoshone Indians, Nevada. Provided that such introduction, possession, use and consumption shall be in accordance with the following: