

ONEIDA INDIAN NATION
ALCOHOLIC BEVERAGE CONTROL ORDINANCE

Ordinance No.: 0-99-06

Pursuant to the authority vested in the Oneida Indian Nation (the "Nation") by virtue of its sovereign and inherent powers of self-government, the Nation hereby establishes standards for the sale, introduction and possession of alcoholic beverages on the Nation's reservation and within all Indian country under the jurisdiction of the Nation.

Article I – Introduction, Sale and Possession

The introduction, sale or possession of alcoholic beverages shall be lawful on the Nation's reservation and within all Indian country under the jurisdiction of the Nation, provided that such introduction, sale or possession is in compliance with the laws, regulations and ordinances of the Nation, which, at all times, shall conform with or exceed the laws, regulations and ordinances of the State of New York. Without limiting the generality of the foregoing in any way, the possession of alcohol by, or the sale or distribution of alcohol to, anyone under the age of twenty-one (21) is prohibited under all circumstances.

Article II – License Required

No person shall manufacture for sale or sell at wholesale or retail any alcoholic beverages on the Nation's reservation or within any Indian country under the jurisdiction of the Nation unless such person has been duly licensed by the Oneida Nation Alcoholic Beverage Control Commission (the "Commission"). The Nation shall, through its representative(s), appoint the members of the Commission and shall have the exclusive power to (a) remove or replace any member of the Commission, and (b) increase or reduce the size of the Commission.

Article III – License Application

No alcoholic beverage license shall be issued under this Ordinance to any person not possessing the qualifications and satisfying the conditions set forth herein. Any person or persons desiring an alcoholic beverage license shall file a sworn application for license with the Commission. The application shall contain a full and complete showing of the following:

- A. Payment of a fee of \$25.00 for the sale of alcoholic beverages for off-premises consumption and payment of a fee of \$50.00 for the sale of alcoholic beverages for on-premises consumption.
- B. Proof satisfactory to the Commission that the applicant is not a member of the Commission and that he or she satisfies each of the licensing requirements established by the Commission.

Article IV – License; Terms and Conditions

- A. Alcoholic beverage licenses issued by the Commission shall be for a term of one (1) year, commencing on the date of issuance.
- B. No transfer, conveyance or assignment of an alcoholic beverage license issued by the Commission may occur without the prior written consent of the Commission.

Article V – Issuance of Alcoholic Beverage Licenses

- A. An alcoholic beverage license shall be issued to the applicant by the Secretary/Treasurer of the Commission after such applicant's application has been approved by the Commission.
- B. Fees for an alcoholic beverage license issued pursuant to this Ordinance shall be paid to the Secretary/Treasurer of the Commission. Such fees shall be deposited by the Commission in the general fund of the Nation.

Article VI – Criminal Jurisdiction

This Ordinance does not in any way confer upon the Nation criminal jurisdiction over non-Indians.


Article VII – Interpretation

- A. The Oneida Nation does not, by enacting this Ordinance, waive in any respect its sovereign immunity, or that of its agents or officers, in any manner, under any law, for any purpose, or in any place.
- B. Nothing in this Ordinance shall constitute, or be construed as, the Nation's consent to the extension of jurisdiction by the State of New York or by any municipality over matters coming within the purview of this Ordinance.
- C. This Ordinance does not create any right, cause of action or benefit enforceable at law or in equity by any person against the Nation, its agents, its officers or employees, or any other person.

Article VIII – Effective Date

This Ordinance is effective upon enactment.

Enacted this 2nd day of August, 1999.



Ray Halbritter
Nation Representative