

TITLE 24
LUMMI NATION CODE OF LAWS
BUSINESS REGULATION CODE

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TITLE 24
LUMMI NATION CODE OF LAWS
BUSINESS REGULATION CODE

Chapter 24.01 Jurisdiction and Definitions

24.01.001 Jurisdiction

The provisions of this Title and all rules and regulations under it shall apply within the exterior boundaries of the Lummi Reservation and within the exterior boundaries all lands held in trust for the Lummi Nation by the United States regardless of location.

24.01.010 Definitions

Wherever in this Ordinance, unless a different meaning clearly appears:

(a) "Business" includes all activities engaged in with the object of gain, benefit, or advantage to the taxpayer or to another person or class, directly or indirectly.

(b) "Engaging in Business" means commencing, conducting, or continuing in business and also in the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

(c) "A fish buying business" includes the purchase or handling of fish, icing, shipping, and the making of ice for packing of, or sale to, fish boats.

(d) "General mercantile business" includes the sale of groceries, dry goods, cigarettes, bottled drinks, meats, hardware, and tackle.

(e) "Gross sales" means the value proceeding or accruing from the sale of tangible personal property, and for services rendered, without any deduction on account of the cost of the property sold, and the cost of materials used, labor costs, interest, discount paid, delivery cost, taxes, or any other expenses whatsoever paid or accrued and without any deduction on account of losses.

(f) "Peddler" means a person with no fixed place of business, who carries goods, wares, or merchandise with him, and sells and offers to sell them by personal solicitation, and delivers them at the time he solicits business. A person who travels from place to place soliciting or

taking orders for the purchase or sale of goods, wares, or merchandise to be delivered in the future also is a peddler within the meaning of this Ordinance.

(g) "Person" means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, corporation, association, society, or group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

(h) "Public utility" includes a person operating, for hire or sale, a plant or system for the distribution of water or natural, artificial, or mixed gas, for the generation, production, or distribution of electric energy, for conducting a telephone and/or telegraph business, for operating a community television antenna system, for the transportation, sale, and delivery of steam for heating purposes, and for steam power, and for the operation of any transportation system for the conveyance of persons and/or property.

(i) "Professional" means persons engaged in the business of rendering any type of professional service.

(j) "Sale" means the exchange of property and/or any transfer of the ownership of, title to, or possession of property for valuable consideration. It includes conditional sales contracts, leases with option to purchase, and any other contract under which possession of the property is given to the purchaser but title is retained by the vendor as security for the payment of the purchase price. It shall also include the furnishing of food, drink, or meals, for compensation, whether or not consumed upon the premises.

(k) "A Tackle Shop" includes a business which sells fishing tackle, hardware, and bait.

(l) "Underdeveloped industries" shall be defined as business activities outside the scope of commercial fishing/marine harvesting and retail fireworks/pyrotechnics.

(m) "Lummi-owned business", means a

business at least 51% owned by an enrolled Lummi tribal member(s).

(n) "Trust Land" shall mean all lands held in trust for the Lummi Nation by the United States regardless of location.

Chapter 24.02 Business Licenses and Fees

24.02.010 Business License and Fees

There is levied and shall be collected from every person a business license fee for the issuance of a license authorizing such person to engage in business activities within the Lummi Reservation or trust lands. The license fees shall be established by the Lummi Indian Business Council (LIBC) Treasurer, subject to approval by the LIBC, and shall be posted in the LIBC Accounting Department. The fee amounts are to be reviewed at least every three (3) years.

24.02.020 Deposit Required For Temporary Business

Any person conducting a temporary business shall be required to pay a clean up fee (the amount of which shall be included in the license fees established by the LIBC and posted in the LIBC Accounting Office) to the Tribal Treasurer prior to opening of business. The clean up fee shall be refunded after inspection of the site by an authorized tribal official and is found satisfactory. Temporary Business constitutes a business normally operated less than thirty (30) working days per annum.

24.02.030 Other Businesses

All persons engaging in a business and occupation other than those specifically mentioned in this Ordinance are hereby required to be licensed to engage in such business activities within the Lummi Reservation or trust lands and shall pay a license fee as established and posted in the LIBC Accounting Office.

Chapter 24.03 Licenses

24.03.010 License Fees

Every person engaging in business, occupations, and/or professions which are within the purview of two (2) or more classifications with respect to which a license is

required to engage therein as provided in this Ordinance shall be required to have a license for each kind of business activity in which he engages.

24.03.020 Period for Which License is Operative - Refunds

The license provided for herein shall be for the privilege of operating on the Lummi Reservation and trust lands for a period of one (1) year. The fee shall be paid in full to the LIBC Treasurer prior to the commencing of business operations and the renewal fee shall be due each succeeding year on or before the anniversary date of the initial license payment. If such a license is revoked prior to the expiration of the period for which it was issued, by virtue of a change in tribal policy reflected in a new tribal ordinance or in an amendment to a tribal ordinance, such person is entitled to a refund on a pro rata basis for that portion of the year for which the license was revoked.

24.03.030 License Delinquency; Effect and Penalties

The failure of any person to pay the business license fee within thirty (30) days of the annual anniversary date constitutes a breach of the privilege of doing business within the Lummi Reservation and trust lands and such person's license to engage in business within the Lummi Reservation and trust lands shall be revoked. Persons who are not members of the Lummi Tribe and whose license is so revoked shall be expelled from the Lummi Reservation and trust lands as trespassers.

[Note: See Title 12 of the Lummi Code of Laws]

24.03.040 Forms

Before engaging in business on the Lummi Reservation or trust lands and during all times that any person is engaged in such business, all persons shall comply with the following form filing and display requirements:

(a) Form T-1 Business License and Registration Application.

Before engaging in business, all persons shall file with the LIBC Form T-1 which shall constitute an application for a business license and registration under the Business Ordinance.

(b) Form T-2 Certificate of Registration.

Before engaging in any business on the Lummi Reservation or trust lands, all persons shall have in their possession a certificate of registration duly issued by the LIBC and all persons shall display at all times a valid and current certification.

24.03.050 Fishing Licenses

Any member of the Lummi Indian Tribe who desires to exercise the Treaty Fishing Right of the Tribe shall be required to obtain a Lummi Fishing Identification Card. Such card shall be issued for a period of one (1) calendar year and the card shall substitute for Form T-2 (Certificate of Registration) as required by LCL §24.03.040. An application shall substitute for Form T-1 as prescribed in LCL §24.03.040 (Business License and Registration Application). The Business License fee for such fishermen shall be set at ten dollars (\$10).

(a) No fee shall be assessed for Lummi Elders sixty-five (65) years of age or older.

(b) All fees under this Section shall be collected and set aside in a special account by the LIBC Accounting Office and subject to the control of the Lummi Indian Fish Commission.

Chapter 24.04 Liquor Sales

24.04.010 Liquor Sales

Nothing in this Ordinance shall be construed to limit the power of the LIBC to impose further licensing requirements, taxes, or other regulations on the sale or distribution of liquor within the Lummi Reservation or trust lands.

[Note: See Title 20 of the Lummi Code of Laws]

Chapter 24.05 Enforcement

24.05.010 Enforcement

Suit for enforcement of this Ordinance or collection of unpaid taxes may be brought in the Lummi Tribal Court or other court of competent jurisdiction.