

RESOLUTION NO. 11, 099

WHEREAS, The Tribal Council has determined that furnishing alcohol to a person under the age of 21 should be a criminal offense, not a civil offense; now, therefore,

BE IT RESOLVED, By the (Twenty-Fourth) Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1(i), of the Tribal Constitution and By-Laws, that the Tribal Council hereby adopts the amendments to Warm Springs Tribal Code Chapter 307 set forth in Exhibit "A".

CERTIFICATION

The undersigned, as Secretary-Treasurer/CEO of the Confederated Tribes of the Warm Springs Reservation of Oregon, hereby certifies that the Tribal Council is composed of 11 members of whom 6 constituting a quorum, were present at the meeting thereof, duly and regularly called, noticed, convened and held this 27th day of July, 2009; and that the foregoing resolution was passed by the affirmative vote of 4 members, 1 member opposed, the Chairman not voting, and that said resolution has not been rescinded or amended in any way.

Mike Cement, Acting

Charles R. Calica
Secretary-Treasurer/CEO

NOTED: JUL 30 2009

Paul W. Young

Paul W. Young
Superintendent

Attachment: Exhibit "A"

cc: Secretary-Treasurer/CEO
Superintendent
Administrative Services Center

EXHIBIT "A"
WARM SPRINGS TRIBAL CODE
CHAPTER 307
LIQUOR VIOLATIONS

Table of Contents

	Page
307.010 Definitions.....	1
307.020 Prohibited Activity.....	1
307.030 Penalties	2

WARM SPRINGS TRIBAL CODE

CHAPTER 307

LIQUOR VIOLATIONS

307.010 Definitions.

(1) "Alcoholic liquor" means any alcoholic beverage containing more than one-half of one percent alcohol by volume, and every liquid or solid, patented or not, containing alcohol and capable of being consumed by a human being.

(2) Whenever the words "sell" or "to sell" refer to anything forbidden by this Chapter and related to alcoholic liquor, they include:

(a) To solicit or receive an order.

(b) To keep or expose for sale.

(c) To deliver for value or in any way other than purely gratuitously.

(d) To peddle.

(e) To keep with intent to sell.

(f) To traffic in.

(g) For any consideration, promise or obtain directly or indirectly under any pretext or by any means or procure or allow to be procured for any other person.

(3) The word "sale" includes every act of selling as defined in subsection 2 of this section.

307.020 Prohibited Activity.¹

(1) It shall be unlawful for any person to sell, trade or manufacture any alcoholic liquor on the Warm Springs Indian Reservation except as provided for in this Chapter.

(2) It shall be unlawful for any business establishment or person on the Warm Springs Reservation to possess, transport or keep with intent to sell, barter or trade to another, any liquor, except for those commercial liquor establishments on the Warm Springs Reservation licensed by the Tribe.

(3) It shall be unlawful for any person to consume alcoholic liquor on a public highway.

¹ WSTC 307.020 was amended by Tribal Council Resolution No. 11,099, adopted July 27, 2009.

(4) It shall be unlawful for any person to publicly consume any alcoholic liquor at any community function, or at or near any place of business, Indian celebration grounds, recreational areas, including ballparks, and public camping areas, the Agency compound area and any other area where minors gather for meetings or recreation, except within a tribally licensed establishment where alcohol is sold.

(5) It shall be unlawful for any person under the age of 21 years to buy, attempt to buy or to misrepresent their age in attempting to buy, alcoholic liquor. It shall be unlawful for any person under the age of 21 years to transport, possess or consume any alcoholic liquor on the Warm Springs Reservation, or to be under the influence of alcohol or to be at an established commercial liquor establishment.

(6) It shall be unlawful to hire any person to work in connection with the sale and service of alcoholic beverages in a tribally licensed liquor establishment if such person is under the age of 21 years.

(7) It shall be unlawful for any person to sell or furnish alcoholic liquor to any other person under the age of 21 years.

307.030 Penalties.² Any person who violates the provisions of this Chapter, except for WSTC 307.020(7), may be subject to a civil penalty in Tribal Court for a civil infraction. Such civil penalty shall not exceed the sum of \$500 for each such infraction. The Tribal Council hereby specifically finds that such civil penalties are reasonably necessary and are related to the expense of governmental administration necessary in maintaining law and order and public safety on the Reservation and in managing, protecting and developing the natural resources on the Reservation.

It is the legislative intent of the Tribal Council that all violations of this Chapter, with the exception of WSTC 307.020(7), be considered civil in nature rather than criminal. Any person who violates WSTC 307.020 (7) shall be subject to criminal penalties pursuant to WSTC 305.715.

² WSTC 307.030 was amended by Tribal Council Resolution No. 11,099, adopted July 27, 2009.