



Alcohol Related Ordinances

This Section Contains:

An Ordinance Prohibiting the Consumption of Alcoholic Beverages and the Consumption and Use of Controlled Substances and Prohibiting Disorderly Conduct on Certain Portions of the Rincon Indian Reservation

Rincon Alcohol Control Ordinance Regulating and Controlling the Manufacture, Introduction, Sale or Possession of Alcoholic Beverages within the Boundaries of the Rincon Indian Reservation

An Ordinance of the Business Committee of the Rincon San Luiseño Band of Mission Indians Regulating the Introduction, Sale, and Possession of Intoxicating Beverages

An Ordinance Relating to the Application of the Federal Indian Liquor Laws on the Rincon Reservation



AN ORDINANCE PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES AND THE CONSUMPTION AND USE OF CONTROLLED SUBSTANCES AND PROHIBITING DISORDERLY CONDUCT ON CERTAIN PORTIONS OF THE RINCON INDIAN RESERVATION

RINCON INDIAN RESERVATION
P.O. BOX 68
VALLEY CENTER, CALIFORNIA 92082

AN ORDINANCE PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES
AND THE CONSUMPTION AND USE OF CONTROLLED SUBSTANCES AND
PROHIBITING DISORDERLY CONDUCT ON CERTAIN PORTIONS
OF THE RINCON INDIAN RESERVATION

BE IT ENACTED BY THE RINCON BAND OF MISSION INDIANS AS FOLLOWS:

The Rincon Band of Mission Indians makes the following findings and bases this Ordinance thereon:

(a) The Rincon San Luiseno Band of Mission Indians is a federally recognized Indian Tribe entitled to govern certain activities upon the Rincon Indian Reservation, located in San Diego County, State of California.

(b) It is a legitimate and valid function of the Tribal government of the Rincon San Luiseno Band of Mission Indians to promote the general health, safety, and welfare on the Rincon Indian Reservation.

(c) The uncontrolled consumption of alcoholic beverages on certain parts of the Rincon Indian Reservation is a serious threat to the general health, safety, and welfare on the Rincon Indian Reservation.

(d) The control of the consumption of alcoholic beverages on certain portions of the Rincon Indian Reservation would promote the general health, safety, and welfare on the Rincon Indian Reservation.

(e) The uncontrolled consumption and use of controlled substances on certain parts of the Rincon Indian Reservation is a serious threat to the general health, safety, and welfare on the Rincon Indian Reservation.

(f) The control of the consumption and use of controlled substances on certain portions of the Rincon Indian Reservation would promote the general health, safety, and welfare on the Rincon Indian Reservation.

(g) The control of disorderly conduct on the Rincon Indian Reservation would promote the general health, safety, and welfare on the Rincon Indian Reservation.

SECTION ONE: CONTROL OF CONSUMPTION OF ALCOHOLIC BEVERAGES

(1) It shall be unlawful for any person to consume any alcoholic beverage as defined in California Business and Professions Code, Section 23004, [said definition being applicable throughout this ordinance] upon any parking lot, street, sidewalk, alley, or Tribal land within the following portions of the Rincon Indian Reservation:

(a) Within three hundred (300) feet, in any direction, of the convenience store which is located on Tribal trust land in the northern portion of the Rincon Indian Reservation and which is located in Section 35, Township 10 South, Range West, San Bernardino Meridian.

(b) Any portion of the Rincon Indian Reservation which the Business Council of the Rincon San Luiseno Band of Mission Indians orders to be designated and posted as an area in which the public consumption of alcoholic beverages is prohibited.

(c) Within three hundred (300) feet in any direction of any retail outlet or bar or any other establishment which sells or serves any alcoholic beverages on the Rincon Indian Reservation.

(2) No person who has in his or her possession any bottle, can, or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, shall enter, be, or remain on the posted premises of, including the posted parking lot immediately adjacent to, any retail package off-sale alcoholic beverage licensee licensed to operate on the Rincon Indian Reservation which is located within the areas described in subsection 1 above.

(3) For the purposes of this section, "posted premises" includes any premises located within the areas described in subsection 1 above, which is subject to licensure under a retail package off-sale alcoholic beverage license, and any parking lot immediately adjacent to the licensed premises, provided that the provisions of subsection 4 have been complied with.

(4) All retail package off-sale alcoholic beverage licensees whose licensed premises are located in the areas described in subsection 1 above shall post signs upon the licensed premises and in any parking lot immediately adjacent to the premises, clearly visible to persons within the premises and in any parking

lot immediately adjacent to the premises, which notify persons that it is unlawful for any person who has in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which has been partially removed, to enter, be, or remain on the premises or any adjacent parking lot.

(5) The provisions of this section shall not apply to a private residential parking lot which is immediately adjacent to the posted premises.

SECTION TWO: CONTROL OF CONSUMPTION AND USE OF CONTROLLED SUBSTANCES

(1) It shall be unlawful for any person to consume or use or be under the influence of any controlled substance, as defined in Chapter 13 of Title 21 of the United States Code, commonly entitled "Drug Abuse Prevention and Control", and including but not limited to heroin, marijuana, cocaine, amphetamine, or methamphetamine, [said definition being applicable throughout this ordinance] upon any Tribal land within the the Rincon Indian Reservation.

(2) It shall be unlawful for any person to possess for sale or distribution any controlled substance, as defined in Chapter 13 of Title 21 of the United States Code, commonly entitled "Drug Abuse Prevention and Control", and including but not limited to heroin, marijuana, cocaine, amphetamine, or methamphetamine, on Tribal land within the the Rincon Indian Reservation.

SECTION THREE: DISORDERLY CONDUCT.

(1) It shall be unlawful for any person to be guilty of offensive or disorderly conduct in or upon the streets, alleys, sidewalks, squares, parks, or other public places, or in any store or other structure or enclosure open to the public, in the the area described in section 1 above, and it shall be unlawful for any person to make any loud noise or disturbance at an unreasonable hour, or use any loud, noisy, boisterous, vulgar or indecent language on any of the streets, alleys, sidewalks, squares, parks or other public places, or in any store or other structure or enclosure open to the public in the area described in section 1 above.

SECTION FOUR. PENALTY

- (1) Violation of this ordinance shall be punishable by a fine of not more than \$500.00 and/or one month in jail.
- (2) The prohibitions and penalties contained in this ordinance shall be in addition to any and all prohibitions and penalties under federal and state law.

CERTIFICATION

This is to certify that the above Ordinance was duly adopted at a Tribal Council Meeting of the Rincon Band of Mission Indians on the 26 day of June, 1987, by a vote of 4 "for", 0 "against", and 0 "abstaining". The above has not been rescinded or amended in any way.

Max C. Marzetti
Assistant to the
Verapah Saw

[Signature]



RINCON ALCOHOL CONTROL ORDINANCE REGULATING
AND CONTROLLING THE MANUFACTURE, INTRODUCTION,
SALE OR POSSESSION OF ALCOHOLIC BEVERAGES WITHIN
THE BOUNDARIES OF THE RINCON INDIAN RESERVATION

THE RINCON, SAN LUISEÑO BAND OF MISSION INDIANS

P.O. Box 68

Valley Center, California 92082

RINCON ALCOHOL CONTROL ORDINANCE

**Regulating and Controlling the Manufacture, Introduction, Sale or Possession
of Alcoholic Beverages within the Boundaries of the Rincon Indian
Reservation.**



Rincon Indian Reservation

P.O. BOX 68 • VALLEY CENTER • CALIFORNIA 92082 • (760) 749-1051 • Fax (760) 749-8901

ORDINANCE NO. 99-01

RINCON ALCOHOL CONTROL ORDINANCE

SECTION 200.01. TITLE.

This ordinance shall be known as the Rincon Ordinance Regulating and Controlling the Manufacture, Introduction, Sale or Possession of Alcoholic Beverages within the boundaries of the Rincon Indian Reservation. The short title of this Ordinance shall be "Rincon Alcohol Control Ordinance."

SECTION 200.02. AUTHORITY.

This Ordinance is enacted pursuant to federal law, specifically the Act of August 15, 1953, Pub. L. 83-277, 67 Stat. 588, 18 U.S.C. § 1161, and the Articles of Association, Governing Procedures for Administering the Affairs of THE RINCON, SAN LUISEÑO BAND OF MISSION INDIANS, California.

SECTION 200.03. PURPOSE.

The purpose of this Ordinance is to regulate and control the possession and sale of alcohol within the exterior boundaries of the Rincon Indian Reservation, and to permit alcohol sales by tribally owned, controlled or operated enterprises, and at tribally approved special events, for the purpose of the economic development of the Rincon Band. The enactment of a tribal ordinance governing alcohol possession and sales within the exterior boundaries of the Rincon Indian Reservation increases the ability of the Rincon Tribal Government to control Reservation alcohol distribution and possession, and will provide an important source of revenue for the continued operation and strengthening of the tribal government and the economic viability of tribal government services. This Rincon Alcohol Control Ordinance is in conformity with the laws of the state of California as required by 18 U.S.C. § 1161, and with all applicable federal laws.

SECTION 200.04. MANUFACTURE OF ALCOHOL.

The manufacture of alcoholic beverages by business enterprises owned by or subject to the control of the Rincon Band shall be lawful within the exterior boundaries of the Rincon Indian Reservation; provided that such manufacture is in conformity with the laws of the State of California as required by federal law.

SECTION 200.05. POSSESSION OF ALCOHOL.

The introduction or possession of alcoholic beverages shall be lawful within the exterior boundaries of the Rincon Indian Reservation; provided that such introduction or possession is in conformity with the laws of the State of California as required by federal law.

SECTION 200.06. SALES OF ALCOHOL.

a) The sale of alcoholic beverages by business enterprises owned or operated by, or subject to the control of, the Rincon Band shall be lawful within the exterior boundaries of the Rincon Indian Reservation; provided that such sale is in conformity with the laws of the State of California as required by federal law.

b) The sale of alcoholic beverages by the drink at special events authorized by the Rincon Band shall be lawful within the exterior boundaries of the Rincon Indian Reservation; provided that such sales are in conformity with the laws of the State of California as required by federal law and with prior approval by Resolution of the Tribal Council of the Rincon Band.

SECTION 200.07. AGE LIMITS.

a) The drinking age within the exterior boundaries of the Rincon Indian Reservation shall be the same as that of the State of California as required by federal law. No person under such age shall purchase, possess or consume any alcoholic beverage within the exterior boundaries of the Rincon Indian Reservation.

b) The State of California sets the drinking age within California under California Business and Professions Code § 25658. California's drinking age is twenty-one at the time of the enactment of this Ordinance.

c) At such time, if any, as California Business and Professions Code § 25658 is repealed or amended to raise or lower the drinking age within California, subsection (b) above shall automatically become null and void, and the Tribal Council shall be empowered to enact a new subsection (b) to reference the appropriate provision of the state law, such amendment to become effective upon publication in the Federal Register by the Secretary of the Interior.

SECTION 200.08. CIVIL PENALTIES.

The Rincon Band, through its Tribal Council and duly authorized security personnel, shall have the authority to enforce this Ordinance by confiscating any alcohol manufactured, introduced, sold or possessed in violation hereof. The Tribal Council shall be empowered to sell such confiscated alcohol for the benefit of the Rincon Band, and to develop and approve such regulations as may become necessary for enforcement of this Ordinance.

SECTION 200.09. SEVERABILITY.

If any provision of this Ordinance is determined by review to be invalid, such adjudication shall not be held to render ineffectual the remaining portions of this Ordinance or to render such provisions inapplicable to other persons or circumstances.

SECTION 200.10. PRIOR ENACTMENTS.

Any and all prior enactments of the Rincon Band which are inconsistent with the provisions of this Ordinance are hereby rescinded.

SECTION 200.11. CONFORMANCE WITH CALIFORNIA LAWS.

All acts and transactions under this Ordinance shall be in conformity with the laws of the State of California as the term is used in 18 U.S.C. § 1161.

SECTION 200.12. EFFECTIVE DATE.

This Ordinance shall be effective on _____, 2000, such date as the Secretary of the Interior certifies this ordinance and publishes the same in the Federal Register.

SECTION 200.13. AMENDMENT.

This Ordinance may be amended only by a majority vote of the Rincon General Council.

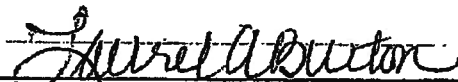
SECTION 200.14. SOVEREIGN IMMUNITY.

Nothing contained in this Ordinance is intended to, nor does, in any way, limit, alter, restrict, or waive the Tribe's sovereign immunity from unconsented suit or action.

C E R T I F I C A T I O N

This is to certify that the foregoing Ordinance was adopted by the Rincon General Membership at a duly called meeting by Resolution **2000 - 04** on the **11th** day of **June**, 2000. This ordinance has not been subsequently amended or rescinded in any manner.

ATTEST:-



Name: LAUREL A. BURTON
Title: Recording Secretary

Date: 6-13-00



AN ORDINANCE OF THE BUSINESS COMMITTEE OF THE RINCON
SAN LUISEÑO BAND OF MISSION INDIANS REGULATING THE
INTRODUCTION, SALE, AND POSSESSION OF INTOXICATING
BEVERAGES



Rincon Indian Reservation

P.O. BOX 68 • VALLEY CENTER • CALIFORNIA 92082 • (760) 749-1051

ORDINANCE NO. 98-01

AN ORDINANCE OF THE BUSINESS COMMITTEE OF THE RINCON SAN LUISENO BAND OF MISSION INDIANS REGULATING THE INTRODUCTION, SALE, AND POSSESSION OF INTOXICATING BEVERAGES

Pursuant to the authority invested in it by the Articles of Association, the Rincon Business Committee hereby enacts and adopts the following ordinance regulating the introduction, sale and possession of intoxicating beverages on the Rincon Indian Reservation.

WHEREAS, Public Law 277, 83rd Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian Country, provided such act or transaction is in conformity with both the laws of the state in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian Country, certified by the Secretary of the Interior, and published in the Federal Register.

THEREFORE, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful on the Rincon Reservation only within the following areas and in conformity with the laws of California::

1. Tract 70 under the jurisdiction of the Rincon Band, located in Section 26, T. 10 S., R. 1 W., SBB & M, California, containing 3.90 acres, more or less, and
2. Section 35, Township 10 South, Range 1 West, SBB & M, containing 4.52 acres, more or less, and more particularly described as:

Beginning at the stake on the northeast corner of the bingo land at the main roadway, then west for 200 feet, then north for 105 feet, then west for approximately 62 feet 3 inches (to the distance marked by the most westerly storeroom wall) then south for 76 feet 6 inches, then west for 160 feet, then

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south for 467 feet, to a point just beyond the most southerly external light pole, then along the blacktop east for 396 feet, then north for 497 feet contiguous to the main roadway to the point of beginning.

AND BE IT FURTHER RESOLVED, that any tribal laws, resolutions, or ordinances heretofore enacted which prohibit the sale, introduction, or possession of intoxicating beverages are hereby repealed.

CERTIFICATION

This is to certify that the above Resolution was adopted at a special meeting of the Rincon Business Committee on December 1, 1998, with a vote of ayes; nays and absent/abstaining.

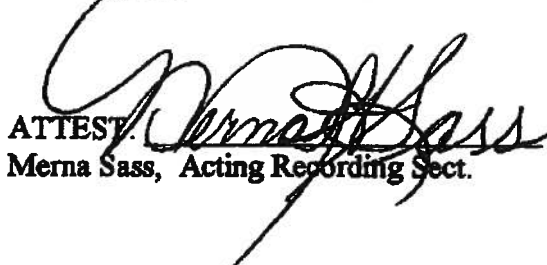

Edward T. Arviso, Chairman


John Mazzetti, Vice Chairman


Sheryl Grahn, Council Member

Donald Calac, Council Member

John Currier, Council Member


Merna Sass, Acting Recording Sect.

Date: Dec. 1, 1998



AN ORDINANCE RELATING TO THE APPLICATION
OF THE FEDERAL INDIAN LIQUOR LAWS ON THE
RINCON RESERVATION

RINCON, SAN LUISENO BAND OF MISSION INDIANS
RINCON RESERVATION, CALIFORNIA

AN ORDINANCE

Relating to the application of the Federal Indian Liquor laws
on the Rincon Reservation,


WHEREAS, Public Law 277, 83rd Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country, provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the Federal Register.

THEREFORE, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful on the Rincon Reservation only within Tract 70 under the jurisdiction of the Rincon Band, said resolution pertaining only to said tract located in Section 26, T. 10 S., R. 1 W., SBB & M, Calif., containing 3.90 acres more or less; provided, that such introduction, sale or possession is in conformity with the laws of California

AND BE IT FURTHER RESOLVED, that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

CERTIFICATION

This is to certify that the above resolution was passed by the Rincon General Council at a special duly called meeting held at the Rincon Meeting Hall, Rincon Reservation, on July 30, 1967, by a vote of 13 "for" and 0 "against".


Patricia A. Duro, Chairman


Frank Mazzetti, Vice-Chairman


Leo D. Calac, Member


Dorothy A. Gonzales, Member


Vivian A. Reed, Member