

**TITLE XIII – BUSINESS**

**CHAPTER 1. – BUSINESS LICENSING CODE**

**Section 13-1-1. Purpose.**

The purpose of this chapter is to establish business licensing for the Pueblo of Laguna ("Pueblo") and to promote a supportive economic environment for the Pueblo.

**Section 13-1-2. Definitions.**

- A. "*Business*" means a corporation, partnership, business association, or other structure established under Pueblo, federal, or state law, that conducts Business Activity.
- B. "*Business Activity*" means all activities or actions, personal, corporate, or otherwise, engaged in with the object of profit, gain, benefit or advantage, either directly or indirectly, wholly or in part, within the lands of the Pueblo of Laguna.
- C. "*Business License*" means a license issued by the Pueblo of Laguna Office of Business Licensing to engage in Business Activity within the Pueblo of Laguna.
- D. "*Business License Appeals Panel*" means the three-person panel selected by the Pueblo of Laguna Governor to address appeals arising from the Office of Business Licensing decisions.
- E. *Certificate of Exemption* means a certificate issued by the Pueblo of Laguna Office of Business Licensing confirming that the Business or Business Activity is exempted from obtaining a Business License under Section 13-1-6, unless the need for the Certificate is also excepted by Section 13-1-6.B.
- F. "*Licensing Year*" means the dates from July 1<sup>st</sup> to June 30<sup>th</sup> each calendar year.
- G. "*Office of Business Licensing*" means the office designated by the Pueblo of Laguna Council to administer the provisions of this chapter.
- H. "*Person*" means any individual, sole proprietorship, or group of individuals engaging in Business Activity, and not established as a business entity under Pueblo, Federal, or State law.
- I. "*Pueblo*" means the Pueblo of Laguna.

- J. "*Pueblo of Laguna Entity*" means any Pueblo of Laguna-owned business or organization established under Pueblo, Federal, or State law.
- K. "*Seller*" means any Person with no fixed place of business, engaged in sales, or who offers for sale, or who trades, deals, or traffics in any goods, personal property, services, food, raw materials, by going from place to place, or solicits and conducts business in residential areas by going from home to home, or by approaching individuals.
- L. "*Village*" means any of the six villages of the Pueblo of Laguna including Laguna, Paguete, Mesita, Encinal, Paraje, and Seama.
- M. "*Village Mayordomo*" means the customary officials that perform traditional duties within their respective Village.

**Section 13-1-3. Office of Business Licensing.**

- A. The administration of this chapter shall be conducted by the Pueblo of Laguna Office of Business Licensing ("OBL").
- B. The OBL is authorized to process applications, collect fees, approve or disapprove applications, revoke Business Licenses, investigate compliance matters under this chapter, and assess fines for noncompliance with this chapter.
- C. The OBL is authorized to promulgate regulations, procedures, develop forms and documents, and establish administrative processes necessary to implement this chapter.
- D. The OBL is authorized to initiate court proceedings or other legal action, to secure an enforcement of civil penalties under this chapter.

**Section 13-1-4. Business License Appeals Panel.**

- A. The Business License Appeals Panel is authorized to hear appeals and make final decisions on any disputes arising from a decision made by the OBL.
- B. The Business License Appeals Panel shall be comprised of three people selected by the Pueblo of Laguna Governor.
- C. The Business License Appeals Panel is authorized to adopt appellate procedures, documents, forms, and other processes necessary to implement this chapter.
- D. The Business License Appeals Panel are not subject to rules of evidence but shall act in accordance with principles of due process.

- E. Decisions of the Business License Appeals Panel shall be in writing.

**Section 13-1-5. License Required.**

- A. Unless exempted by Section 6, any Person or Business conducting Business Activity upon lands under the jurisdiction of the Pueblo of Laguna or directly with the Pueblo of Laguna shall obtain a Business License from the Pueblo of Laguna Office of Business Licensing ("OBL").
- B. A Business License issued by the OBL shall authorize the licensee to conduct the Business Activity described in the license application.
- C. Nothing in this chapter limits, alters, or waives the need for a Person or Business to obtain all other licenses and permits required by applicable law. The issuance of a Business License shall not be deemed or construed as a certification of a Person's or Business's compliance with other applicable regulations or laws. Additional permits, applications, leases, and licenses may be necessary before a Person may lawfully conduct Business Activity.
- D. Access Permit: A Person or Business issued a Business License or exempted under Section 13-1-6 is not required to obtain a Pueblo of Laguna Access Permit.
- E. A Business License or Certificate of Exemption is non-transferable and non-assignable.

**Section 13-1-6. Exemptions.**

- A. This chapter shall not apply to the following:
  - (1) Business Activity of the Pueblo of Laguna, a Pueblo of Laguna entity, or a Pueblo of Laguna-owned Business;
  - (2) Any Business Activity covered by a Pueblo of Laguna-issued lease or other Pueblo of Laguna agreement governing the use of Pueblo lands;
  - (3) Traditional Feast Day Activities: Individual solicitations or booths at traditional feast days and associated activities regulated by the Village Mayordomos;
  - (4) Seller sales by an enrolled Pueblo member, their spouses, and children;
  - (5) Seller sales by a Person residing within the Pueblo;

- (6) Pueblo of Laguna livestock associations or members of Pueblo livestock associations conducting association Business Activity;
  - (7) Charitable, religious, nonprofit organizations or corporations that have received tax-exempt status under federal law, or similar civic, charitable or nonprofit organizations;
  - (8) Sale of vegetables, fruits, meats, or other produce raised and sold in unprocessed form by the grower or producer;
  - (9) Federal, state, and non-tribal local governing agencies;
  - (10) Pueblo of Laguna-Entities.
    - a. Vendors providing services and goods to a Pueblo of Laguna Entity may be covered by a blanket exemption provided that the Entity submits and maintains an updated list of vendors to the OBL;
  - (11) Persons engaged in the type of sales commonly known as garage sales, rummage sales, or estate sales; or
  - (12) Persons who are agents, artists, or performers appearing for a Pueblo of Laguna Entity-sponsored event.
- B. Except for activity described in sections 13-1-6.A(1), 13-1-6.A(3), 13-1-6.A(9), 13-1-6.A(11), 13-1-6.A(12), all exempted Persons or Businesses under this section shall apply for a Certificate of Exemption from the OBL, at no cost.
- C. A Certificate of Exemption shall be valid for two (2) Licensing Years.

**Section 13-1-7. Types of Business Licenses.**

- A. Annual Business License: A Business License shall be required for all qualifying Business Activity under this Chapter. No later than June 30<sup>th</sup> of each year, every Business required under this chapter to have a Business License shall obtain or renew their Business License for the Licensing Year.
- B. Enrolled Member Business License: A Business License issued to an enrolled Pueblo of Laguna member not exempted by this Chapter, or to a Pueblo of Laguna member majority-owned and operated Business shall be valid for two (2) License Years.
- C. Special Event Business License: A special event Business License shall be valid for five (5) consecutive days.

- D. Temporary Business License: A temporary Business License shall be valid for no more than ninety (90) consecutive days.

**Section 13-1-8. Application.**

- A. An application for a Business License shall be submitted to the Office of Business Licensing on a form approved by the OBL. The application shall include but is not limited to the following:
- (1) The name and contact information of the Person, owner or owners of the Business;
  - (2) The Business name or "doing business as" name, if any, is used by the Person or Business;
  - (3) Pueblo of Laguna Tax Identification Number if applicable;
  - (4) A description of the Business Activity being conducted;
  - (5) Identify other jurisdictions the applicant is licensed or permitted to conduct business, and supporting information related to that Business Activity, including but not limited to: professional license credentials, certifications, business structure, employer identification number;
  - (6) The physical location of the Business Activity;
  - (7) If applicable, any Pueblo of Laguna lease documents identifying the location, term, and authorized Business Activity of the lease.
  - (8) The name(s) of the individual(s) who have the authority to communicate with the OBL;
  - (9) The Person or Business owner's consent to abide by the laws of the Pueblo of Laguna, consent to Pueblo of Laguna jurisdiction, and the liability for and payment of all applicable taxes; and
  - (10) Any other information the OBL deems necessary to meet the requirements of this chapter.
- B. Full payment of the Business License fee provided under this chapter shall be made to the OBL when the application is submitted. The OBL shall determine payment methods, issue a receipt for all payments received, and maintain a record of payments consistent with the Pueblo of Laguna's financial policies.

- C. Upon receipt of the application and fee payment, the OBL shall investigate the applicant's information and determine compliance with this chapter.
- D. At the discretion of the OBL, any minor corrections to the application can be updated and corrected within the time allocated by the OBL.
- E. If the OBL finds the application meets this chapter's requirements, the application shall be approved, and a Business License shall be issued to the applicant.
- F. If the application does not meet the requirements of this chapter, the OBL shall notify the applicant of the decision to deny the application. Upon denial of a Business License, fifty percent (50%) of the Business License fee shall be returned to the applicant.

**Section 13-1-9. Revocation of Business License or Certificate of Exemption.**

- A. The OBL may revoke a Business License or Certificate of Exemption upon a finding that a Person or Business is noncompliant with this chapter and for any of the following causes:
  - (1) Fraud, misrepresentation, or false statements contained in the Business License or Certificate of Exemption application;
  - (2) Abandonment of the Business Activity for which the license was issued;
  - (3) Noncompliance with applicable Pueblo of Laguna laws;
- B. The OBL shall provide written notice of revocation to the Person or Business, including the reasons for revocation and the opportunity for a hearing.
- C. The OBL may reinstate a Business License or Certificate of Exemption that has been revoked upon payment of all license fees, penalties, and other compliance actions owed by the Person or Business under this chapter. An applicant shall reapply and pay a reinstatement fee according to this chapter's fee schedule.

**Section 13-1-10. Operating without a Business License.**

- A. Any Person or Business not exempted by this chapter, that is conducting Business Activity within the boundaries of the Pueblo without an OBL-issued Business License shall be subject to the following:
  - (1) Notification of liability for a Business License fee and necessary steps to comply with this chapter. The notice shall inform the party that no further Business Activity

may be conducted within the Pueblo unless the party obtains a Business License;  
and/or

(2) Civil penalty established in this chapter.

B. Any Person or Business found in violation of this chapter by the OBL may request a hearing under Section 13-1-11 to reconsider the OBL decision.

**Section 13-1-11. Hearing.**

A. Any Person or Business whose Business License or Certificate of Exemption has been denied, revoked, or suspended, or who contests their exempted status determination, or has been issued a civil penalty by the OBL, may request from the Business License Appeals Panel, a hearing to reconsider an OBL decision. The party shall request within ten (10) business days from when the party receives the OBL's notice of denial, revocation, penalty, or decision. The Business License Appeals Panel will send written notice of the date and time of the hearing and how the hearing will be conducted.

B. As a result of the hearing, the Business License Appeals Panel is authorized to do the following:

- (1) Uphold the OBL decision;
- (2) Reverse the OBL decision;
- (3) Issue a waiver or reduction of a civil penalty;
- (4) Issue a payment structure for civil penalties or fees owed; or
- (5) Permit temporary or limited Business Activity until the party meets full compliance.

C. Decisions made as a result of a Business License Appeals Panel hearing shall be final.

**Section 13-1-12. License Fees.**

A. The OBL is authorized to establish a fee schedule based upon the following ranges of fees:

- (1) Annual Business License .....\$100.00 - \$200.00
- (2) Enrolled Member Business License ..... \$20.00 - \$40.00
- (3) Special Event Business License ..... \$50.00 - \$100.00
- (4) Temporary Business License..... \$75.00 - \$150.00

(5) Reinstatement Fee ..... \$50.00 - \$100.00

(6) Enrolled Member Reinstatement Fee..... \$10.00 - \$20.00

- B. The OBL shall publish any changes to the fee schedule at least sixty (60) days prior to the start of the upcoming Licensing Year for the changes to be applicable in the upcoming Licensing Year.
- C. The fee schedule shall be reviewed by the OBL every two years.
- D. Civil Penalty – Any Person or Business that violates or refuses to comply with this chapter may be issued a penalty by the OBL of no less than twenty dollars (\$20.00) and no more than one thousand dollars (\$1,000.00) per violation.

**Section 13-1-13. Sovereign Immunity.**

The sovereign immunity of the Pueblo is not waived or limited by this chapter, or by any appeal commenced pursuant to this chapter, and nothing in this chapter shall constitute or be construed as a waiver of sovereign immunity of the Pueblo.