

## 16-04 BUSINESS LICENSES

### TABLE OF CONTENTS

SECTION NO.	PROVISION	PAGE
16-04-001	Title	
16-04-002	Purpose	
16-04-003	Licensing Board	
16-04-004	Definitions	
16-04-005	Business License Required	
16-04-006	No Right To License	
16-04-007	Exemptions from Business License Requirements	
16-04-008	Business License Application Process	
16-04-009	Licensing Fee	
16-04-010	Action of Application and Review of Application	
16-04-011	Temporary Business License	
16-04-012	Grounds for Denial of License to Applicant	
16-04-013	Issuance	
16-04-014	Fixed Place of Business Required	
16-04-015	Other Tribal Licenses and Permission Required	
16-04-016	Display at Fixed Place of Business	
16-04-017	Carrying When Business Not Fixed	
16-04-018	Ownership Change	
16-04-019	Location Change	
16-04-020	Name-of-Business Change	
16-04-021	Duty to Report Changes	
16-06-022	Disciplinary Action – Good Cause Designated	

16-04-023	Disciplinary Action – Required Or Prohibited Act Violations
04-024	Disciplinary Action – Acts of Principals and Subordinates
16-04-025	Designated Nuisance
16-04-026	Renewal - Requirements
16-04-027	Renewal Notice
16-04-028	Delinquency
16-04-029	Grounds for Refusal to Renew a License
16-04-030	Revocation
16-04-031	Certificate of Existence with Status in Good Standing

#### **16-04-001 Title**

This Chapter shall be referred to as the “Business Licensing Code”.

#### **16-04-002 Purpose**

The purpose of the Business Licensing Code is to ensure and regulate the conduct of business within the Fort Berthold Indian Reservation for the protection of the Tribe and the Tribal members’ economic security, health, safety, and welfare.

#### **16-4-003 Licensing Board**

To be administered by the Business Licensing Office under the Chief Executive Office (CEO).

- (1) Duty. It shall be the duty of the Business Licensing Office to administer the provisions of this Part 16-04 unless provided otherwise.
- (2) Delegation. The CEO may administer this Part 16-04, to the extent practicable, through the Executive Committee of the Tribal Business Council (TBC).

#### **16-04-004 Definitions**

For the purposes of this Chapter, unless otherwise expressly provided, the following definitions shall apply:

- (1) Applicant. “Applicant” means a owner, person, individual, corporation and its manager, officers, directors, or agent applying for a Business License.
- (2) Business. “Business” means any activity, whether temporary, seasonal or otherwise, engaged in any conduct or revenue generating activity, which generates return with economic value or with the object of gain, benefit, advantage or other return with economic value within the exterior boundaries of the Fort Berthold Reservation.
- (3) Business License. “Business License” means the permit issued by the Tribe to an Applicant to engage in business within the Reservation.
- (4) City. “City” means a town or municipality located within the Reservation.

- (5) County. “County” means a political subdivision of the State.
- (6) For Profit Corporation. “For Profit Corporation” means a company or group of people authorized to act as a single entity and recognized under the laws of the State or Tribe that is organized for profit making purposes.
- (7) Gross Income. “Gross income” means all income derived from the sale of products or services.
- (8) Isolated Sales. “Isolated Sales” mean any business who are selling intermittent food delivery, food trucks, hand-made products, product sales to the public, blankets, jewelry, etc. but not limited to, for less than ten (10) cumulative business days.
- (9) Limited Liability Corporation. “Limited Liability Corporation” means a business structure that limits liability to its owner(s).
- (10) Partnership. “Partnership” means a business structure of two or more people as partners owning and running a business.
- (11) Person. “Person” means any natural person, estate of a natural person, or any organization, association, corporation, firm partnership, trust or other form of business or social association.
- (12) Reservation. “Reservation” means all lands within the jurisdiction of the Tribe including, but not limited to, lands held in trust for the Tribe by the United States of America.
- (13) Seasonal Sales. “Seasonal Sales” means any business who are engaging in business more than ten (10) business days, but less than three (3) months, i.e. fireworks but not limited to.
- (14) State. “State” means the State of North Dakota.
- (15) Sole Proprietorship. “Sole Proprietorship” means an individual who owns and runs a business where there is no legal distinction between the owner and the business entity who may or may not be incorporated.

- (16)TERO. “TERO” means Tribal Employment Rights Office, which requires Indian Preference in contracting, subcontracting, and employment to Indians and Indianowned firms by all contract awarding entities operating on the Reservation.
- (17)Tribally-Chartered Corporation. “Tribally-Chartered Corporation” means a corporation that is incorporated under the Tribal Business Code, Chapter 16.
- (18)Tribally-Owned Business. “Tribally-Owned Business” means that the Tribal Business Council owns more than 50% of the business.
- (19)Tribe. “Tribe” means the Three Affiliated Tribes – Mandan, Hidatsa and Arikara Nation (MHA).

#### **16-04-05 Business License Required**

- (1) No person or an agent of any person or individual may commence, carry on, engage in or continue (including the making of deliveries of goods, wares, and merchandise sold elsewhere) any business within the Reservation without a valid license issued pursuant to this Chapter.
- (2) All Business Licenses must be obtained and displayed prior to engaging, and at all times while engaging, in such activities within the Reservation.
- (3) All Business Licenses are non-refundable.
- (4) The failure to obtain a Business License or a finding by the Tribal Court of any individual or business having violated any provision of this Chapter shall be subject to any and all of the following civil penalties:
- a. A fine in an amount not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) per violation. Each day or portion thereof in which a violation of any provision of this Chapter is committed, continued, or permitted constitutes a separate violation;
  - b. Suspension of the Business License for a period of up to one year;
  - c. Prohibition of the individual or business from applying and/or renewing of any existing or future business applicant for a period up to one year;
  - d. Forfeiture of the products, possession, custody, and control of the business to the Business Licensing Office.

- (5) All business related to the sale of food must obtain a business license regardless of gross annual sales.

#### **16-04-006 No Right to License**

No applicant for a license has any right to an exclusive license or the granting of the approval sought. Any license or other approval granted pursuant to this Chapter is a revocable privilege, and no holder acquires any vested right therein or thereunder. The Tribe reserves the right to license other businesses engaging in similar business activities within the Reservation and to itself engage in any and all businesses.

#### **16-04-007 Exemptions from Business License Requirements**

The following businesses, activities, or persons are exempted from the requirements of this Chapter, including the imposition of any license fee or license requirement:

- (1) Any activity or services conducted by a Tribally-Owned Business.
  - (2) Person engaged solely as an employee of any other person who is properly licensed to conduct, manage or carry on any such business, unless specifically provided otherwise by this Chapter.
  - (3) Public transportation service for the carrying of passengers from place to place within the Reservation which is owned or operated by a governmental entity; provided, however, this exception does not apply to a private person who leases the service from the governmental entity for business purposes; or
  - (4) Person engaged in sole proprietorship generating gross receipts of less than onethousand two hundred (1,200.00) dollars per year, except businesses selling food must obtain a business license pursuant to Section 16-04-005(5).
- ~~(4)~~(5) Any business that has been recognized and incorporated as a tax-exempt organizations, as defined by the Internal Revenue Services.

If an exempted organization also regularly carries one or more trade or business not substantially related to the organization's exempt purpose, the business must apply for a business license for any of the non-exempt business or trade.

## **16-04-008 Business License Application Process**

- (1) Any individual or person eighteen (18) years of age or older may apply for a Business License.
- (2) Forms. The Business License application shall be filed with the Business Licensing Office on forms provided by this office.
- (3) Multiple Business Locations. An application must be filed for each location in which an entity conducts business transactions on the Reservation.
- (4) Information Required. In addition to any other required documentation for formation of a business entity, the applicant shall furnish all the information required by the Business Licensing Office including, but not limited to:
  - a. The applicant's business organization and structure;
  - b. The proposed business operation and location;
  - c. The name and address of each principal;
  - d. The date when the applicant proposes to commence business; and
  - e. Any other information that reasonably relates, or may lead to information that reasonably relates, to the applicant's qualification, acceptability or fitness for a license.
- (5) Affirmation. The applicant shall swear or affirm the truth of the information contained in the application.
- (6) Electronic Signature. An applicant's signature delivered by facsimile, email or other electronic medium is treated in all aspects as having the same force and effect as original signatures.

## **16-04-009 Licensing Fee Schedule**

- (1) Fees. The following nonrefundable licensing fees will be paid for each application filed for the issuance or renewal of a Business License:

Type of Organization	Annual Business Income up to \$50k / Renewal Fee for every year thereafter filed before October 1	Annual Business Income \$50k to \$250K / Renewal Fee for every year thereafter filed before October 1	Annual Business Income \$250K to \$1 million / Renewal Fee for every year thereafter filed before October 1	Annual Business Income greater than \$1 million / Renewal Fee for every year thereafter filed before October 1	Late Fee (renewal filed after October 1)
Sole Proprietorship	\$200/\$100	\$250/\$125	\$325/\$175	\$525/\$250	\$125
General Partnership	\$225/\$150	\$325/\$200	\$425/\$225	\$625/\$300	\$150
Limited Liability Corporations	\$350/\$175	\$500/\$250	\$750/\$375	\$1,500/\$750	\$200
Dual Purpose Corporation (ie. non-profit/for profit)	\$250/\$125	\$400/\$250	\$600/\$450	\$1,000/\$850	\$150
Isolated Business Sales License	\$200/\$150	\$275/\$175	\$375/\$200	\$600/\$300	\$125
Seasonal Business License	\$450/\$250	\$550/\$350	\$650/\$450	\$1,000/\$650	\$150

(2) A \$50.00 fee applies to a change of: business ownership or business name.

(3) A \$100.00 fee applies to adding additional business locations.

(4) No application shall be processed until the Licensing Fee has been paid in full.



- (5) Late fee. In the event that a renewal application is submitted and paid after the appropriate deadline, a late fee shall be added to the renewal fee as set out in the schedule above.
- (6) All business license must be renewed pursuant to Sections 16-04-27 and 16-0428 of this Chapter.
- (7) Other Fees. The processing fee set forth in Subsection (1) is to be in addition to any other license fee required by this Part 16-04 for the type of business in question.

**16-04-010 Action of Application and Review of Application**

- (1) Timing. Other than an application for a license that requires prior approval by the Tribal Business Council, the Business Licensing Office, shall approve, deny or take such other action with respect to such application as it considers appropriate no more than sixty (60) calendar days after receipt of an application for a license,
- (2) No Action. In the event that the Tribal Business Council is unable to complete its review and approve the issuance of a Business License within the sixty (60) calendar days requirement pursuant to subsection (1), a Temporary Business Licenses shall be issued as provided in Section 16-04-011.
- (3) The Business Licensing Office and Tribal Business Council shall review and may investigate the accuracy of the information provided by the applicant in the application. To ensure the accuracy of the information and the character and business experience of the applicant, the following background investigations shall be conducted and the following conditions must be met:
  - a. Business Applicants for businesses with gross annual income up to \$50,000:
    - i. Criminal record check of the applicant, principal, members, directors, or agents;
    - ii. Business Record Check through the State of North Dakota to verify good standing; and,
    - iii. Business Record Check through with all Tribal Departments and entities to verify good standing.
  - b. Business Applicants for businesses with gross annual income of \$50,000 to \$250,000:
    - i. Criminal record check of the applicant, principal, members, directors, or agents;

- ii. Credit check of the applicant, principal, members, directors, or agents applying for the business license must have an average credit range higher than Poor Credit;
      - iii. Business Record Check through the State of North Dakota to verify good standing; and,
      - iv. Business Record Check through with all Tribal Departments and entities to verify good standing.
    - c. Business Applicants for businesses with gross annual income of \$250,000 to \$1 million:
      - i. Criminal record check of the applicant, principal, members, directors, or agents;
      - ii. Credit check of the applicant, principal, members, directors, or agents applying for the business license must have an average credit range higher than Poor Credit;
      - iii. A financial background check through Dun and Bradstreet to verify low to low-moderate business risk;
      - iv. Business Record Check through the State of North Dakota to verify good standing; and,
      - v. Business Record Check through with all Tribal Departments and entities to verify good standing.
    - d. Business Applicants for businesses with gross annual income of \$1 million and greater:
      - i. Criminal record check of the applicant, principal, members, directors, or agents;
      - ii. Credit check of the applicant, principal, members, directors, or agents applying for the business license must have an average credit range higher than Poor Credit;
      - iii. A financial background check through Dun and Bradstreet to verify low to low-moderate business risk;
      - iv. Copies of business tax return for the last five years preceding application;
      - v. Business Record Check through the State of North Dakota to verify good standing; and,
      - vi. Business Record Check through with all Tribal Departments and entities to verify good standing.
- (4) The applicant shall be informed within fourteen (14) calendar days following receipt of the respective background investigations in the event of unsatisfactory and concerning results. The applicant shall have fourteen (14) calendar days upon

receipt to cure any discrepancies, delinquencies, or provide evidence of mitigating circumstances to cure such results.

#### **16-04-011 Temporary Business License**

- (1) A temporary business license may be issued based upon the following circumstance:
  - a. The applicant has filed a complete and accurate business license application and paid all fees relating thereto;
  - b. Successfully passed all background investigations conducted by the Business Licensing Office;
  - c. The premises within or the location at which the applicant's business is to be conducted has been inspected and tentatively approved by the proper departments of the Tribe for compliance with all applicable requirements, i.e., zoning, fire code, and TERO; and
  - d. The application is awaiting final approval by the Tribal Business Council.
- (2) License Period. A temporary business license entitles an applicant for a period of not more than sixty (60) days to engage in business at the location identified in the application. During the sixty-day temporary business license period, an applicant shall comply with all of the requirements imposed upon the license by this Chapter 16 or by any department or agency of the Tribe.
- (3) Extension. Upon good cause shown by an applicant, the Business Licensing Office, may in its discretion extend a temporary business license for two (2) periods of sixty (60) days each.
- (4) Appeal. In the event that an extension of a Temporary Business License is denied, the applicant may, pursuant to the applicable provisions of this Chapter, appeal the denial to the Tribal Business Council within fourteen (14) business days of receipt of the denial. It is the applicant's burden, based upon a preponderance of the evidence, that facts and evidence support a finding of mitigating circumstances to warrant an extension of the Temporary Business License. Notice must be provided by the applicant to the Business Licensing Office of the applicant's appeal.

## **16-04-012 Grounds for Denial of Business License**

The Business Licensing Office and Tribal Business Council shall deny the applicant a Business License based upon the following:

- (1) The application is incomplete or contains false, misleading or fraudulent statements with respect to any information that is required in the application;
- (2) The applicant or any of its principals, members, directors, or agents fail to satisfy any qualification or requirement that is imposed by this Chapter 29, or other Tribal or Federal law or regulation that pertains to the particular license or approval for suitability which is sought;
- (3) The applicant or any of its principals, members, directors, or agents reside in the United States illegally;
- (4) The applicant or any of its principals, members, directors, or agents is or has engaged in a business, trade or profession without having obtained a valid license or other permit when such applicant or principal knew that one was required or under such circumstances that he or she reasonably should have known one was required;
- (5) The applicant or any of its principals, members, directors, or agents has been subject, in any jurisdiction, to disciplinary action of any kind with respect to a license, an approval for suitability, a permit or a work card to the extent that such disciplinary action reflects upon the qualification, acceptability, or fitness of the applicant or principal;
- (6) The applicant or any of its principals, members, directors, or agents has been convicted of, or entered a plea of nolo contendere or guilty to, an act that constitutes a crime which involves moral turpitude or involves any Tribal or other government's laws or regulation which relates to the same or similar business within the last five years prior to the date of the application;

- (7) The applicant or any of its principals, members, directors, or agents has been convicted of, or entered a plea of nolo contendere or guilty to, having perpetrated deceptive practices upon the public or in violation of a consumer protection law;
- (8) The applicant or any of its principals, members, directors, or agents, suffers from a legal disability under the laws of the Tribe;
- (9) The premises on which the business is conducted is structurally unsafe, or not provided with adequate egress, or which constitutes a fire hazard, or which is otherwise dangerous to human life or safety, or which in relation to existing use constitutes a hazard to safety or health, or public welfare, by reasons of inadequate maintenance, dilapidation, obsolescence or abandonment; or do not satisfy Tribal or Federal laws or regulations which pertain to the activity which is actually engaged in;
- (10) The premises on which the business is proposed to be conducted do not satisfy Tribal or Federal laws or regulations which pertain to the activity that is proposed to be engaged in.
- (11) Fails to consent to the jurisdiction of the Fort Berthold District Court as to any cause of action arising in connection with the transaction of any business within the exterior boundaries of the Reservation.

**16-04-013 Issuance**

Upon the recommendation of the Business Licensing Office for approval and the final approval by the Tribal Business Council, the Business Licensing Office shall issue a business license. The business license shall:

- (1) Specify the classification of the license, the premises where the business is allowed and the name of the licensee; and
- (2) Expire on December 31<sup>st</sup> of each year, except for isolated and seasonal business licenses which shall expire within their respective licensing period.

#### **16-04-014 Fixed Place of Business Required**

A business license shall only be issued if the applicant has a fixed place of business from which the business will actually be conducted, unless this Tribal Business Code specifically states otherwise.

#### **16-04-015 Other Tribal Licenses and Permission Required**

Any business that requires additional licensing pursuant to Tribal, State, and Federal law and regulations must provide proof of license or approval by the respective licensing and regulatory departments prior to the issuance of a Business License. Proof of all necessary licenses must be provided with the Business License Application or Renewal or within thirty (30) days after submission of Business License Application or Renewal.

#### **16-04-016 Display At Fixed Place of Business**

Every person having a license under the provisions of this Chapter, and carrying on a business at a fixed place of business shall prominently display this license in the place of business for which it is issued, in a conspicuous location at the location stated on the license, and shall retain a valid, current license as long as the business is in operation at the licensed address and under the same name.

#### **16-04-017 Carrying When Business Not Fixed**

It is unlawful for any person who is not required to have a fixed place of business and who was issued a license under the provisions of this Tribal Business Code to fail to carry such license either upon his person or in any vehicle or other conveyance which is used in such business.

#### **16-04-018 Ownership Change**

- (1) Upon the transfer of ownership of a business licensed under this Chapter for which a license fee has already been paid, the transferee shall apply for the transfer of the license and shall be entitled to receive the same upon payment of the processing fee; provided that the transferred business meets all other requirements set forth in this Chapter.
- (2) No transfer of license shall be approved until the required license fee has been paid for the current or next succeeding licensing period, whichever is applicable.

#### **16-04-019 Location Change**

A licensee may change the location of the licensed business by filing a form, to be provided by the Business Licensing Office, who shall approve such transfer if the new location meets all the requirements of this Chapter and all applicable Tribal, State, and Federal law and such applicant pays the required processing fee upon filing of such application.

#### **16-04-020 Name-Of-Business Change**

A licensee shall report to the Business Licensing Office any change in business name by filing on a form, to be provided by the Business Licensing Office within thirty (30) days after such change occurs and pays the required processing fee.

#### **16-04-021 Duty to Report Changes**

Licensees have a continuing duty and obligation to notify the Business License Office of additions, deletions, changes, or modifications in the information furnished on the Business License application and renewal and this duty continues as long as a valid license remains in effect.

#### **16-04-022 Disciplinary Action – Good Cause Designated**

The licensee may be subject to disciplinary action as recommended by the Business Licensing Office, for good cause, which may, without limitation, include:

- (1) The failure of any licensee or its principal, members, directors, or agents while engaged in the conduct of the licensed business, to comply with any of the provisions of this Tribal Business Code;
- (2) The licensee or any of its principals, members, directors, or agents violates a condition that is imposed upon the license;
- (3) The licensee or any of its principals, members, directors, or agents has engaged in a business, trade or profession without having obtained a valid license or permit when such licensee or principal knew that one was required or under such circumstances that the Licensee reasonably should have known one was required;

- (4) The licensee or any of its principals, members, directors, or agents has been subject, in any jurisdiction, to disciplinary action of any kind with respect to a license, an approval for such disciplinary action reflects upon the qualification, acceptability or fitness of such licensee or principal;
- (5) The licensee or any of its principals, members, directors, or agents has been convicted of an act which constitutes a crime which involves moral turpitude or involves any Tribal or Federal law or regulation which relates to the same or a similar business;
- (6) The licensee or any of its principals, members, directors, or agents has been convicted of having perpetrated deceptive practices upon the public or an act in violation of consumer protection laws;
- (7) The licensee or any of its principals, members, directors, or agents suffers from a legal disability;
- (8) The premises on which the business is conducted does not satisfy Tribal, State, or Federal law or regulations which pertain to the activity which is actually engaged in; or
- (9) The actual business activity constitutes a public or private nuisance, or has been or is being conducted in an unlawful, illegal or impermissible manner.

#### **16-04-023 Disciplinary Action – Required Or Prohibited Act Violations**

Whenever this Chapter requires any act to be done, or prohibits or makes unlawful the doing of any act, the failure to do any such required act or the doing of any such prohibited or unlawful act shall subject the person who commits such violation to disciplinary action.

#### **16-04-024 Disciplinary Action – Acts of Principals and Subordinates**

A licensee under this Chapter shall be subject to disciplinary action not only for acts or omissions done by such licensee but also for acts and omissions done by the principals, directors, managers, agents, representatives, servants or employees of such licensee.



### **16-04-025 Designated Nuisance**

The doing of any act for which a license is required or the violation of any provision of this Chapter is declared to be unlawful and harmful to the safety, welfare, health, peace and morals of the residents and taxpayers of the Tribe and constitutes a public nuisance per se, unless such act is done by a person who is authorized to do so by a license issued pursuant to this Chapter.

### **16-04-026 Delinquency**

- (1) Timing and Fee Assessment. All licenses shall become delinquent if the due and payable license fee is not received on or before the fifteenth day of October, the annual renewal date, or on the due date provided by the Business Licensing Office; provided, however, if the fifteenth day following the due date is a Saturday, Sunday, or holiday, no penalty shall be assessed if the license fee is received before 4:30 p.m. of the next day which is not a Saturday, Sunday, or holiday. If payment is made after fifteen (15) days of October or the due date provided by the Business License office, a late fee shall be assessed in accordance to the licensing fee schedule as provided in Section 16-04-009. If a payment is made after fifteen (15) days, then ten percent (10%) of the license fee shall be assessed as a delinquency charge.
- (2) Suspension. All licenses for which fees and assessed delinquency charges have not been paid within thirty (30) days after the due date may be suspended by recommendation of the Business Licensing Office and final approval by the Tribal Business Council, and if suspended, shall not be reinstated until the license fees and assessed delinquency charges, unless deferred pursuant to Subsection (3) below, has been paid.
- (3) Assessed Delinquency Charges. If the assessed delinquency charges are not paid, payment of the unpaid assessed delinquency charges or balance thereof may be deferred and paid with the license fees for the next semiannual license period; provided, however, that the deferment does not apply if the amount of the delinquency charges exceed twenty-five (25.00) dollars, and the delinquency charges may not be deferred for more than one license period.

### **16-04-027 Renewal – Requirements**

In order to renew a license, the licensee must submit a renewal application provided by the Business Licensing Office and appropriate license fee, if applicable based upon gross sales. The licensee shall certify the gross sales or amount of business the Licensee conducted in the last preceding period on the renewal application. All renewal applications for an annual business license are due on or before October 1.

### **16-04-028 Renewal – Notice**

- (1) The Business Licensing Office shall cause notices to be mailed or emailed to each licensee of the license fee required before the due date to the next licensing period; provided, however, that the failure of a licensee to receive notice does not waive the payment of the license fee; and provided, further, that the actual receipt of such notice is in no case required.
- (2) The annual due date for all renewals are October 1 of the licensing year, except for seasonal or isolated licenses.

### **16-04-029 Grounds for Refusal to Renew a License**

The Business Licensing Office may recommend refusal of a renewal of a business license if:

- (1) The licensee or any of its principals is or has engaged in a business, trade or profession without having obtained a valid license, trade or profession without having obtained a valid license, an approval for suitability; a permit or a work card when such applicant or principal knew that one was required or under such circumstances that he reasonably should have known one was required;
- (2) The licensee or any of its principals has been subject, in any jurisdiction, to disciplinary action of any kind with respect to a license, an approval for suitability, a permit or a work card to the extent that such disciplinary action reflects upon the qualification, acceptability or fitness of such licensee or principal;
- (3) The licensee or any of its principals has been convicted of an act that constitutes a crime which involves moral turpitude or involves any Tribal or Federal law or regulation which relates to the same of a similar business;

- (4) The licensee or any of its principals violates a condition which is imposed upon the license;
- (5) The licensee or any of its principals has been convicted of having perpetrated deceptive practices upon the public;
- (6) The licensee or any of its principals suffers from a legal disability under the laws of the Tribe;
- (7) The premises on which the business is conducted is structurally unsafe, or not provided with adequate egress, or which constitutes a fire hazard, or which is otherwise dangerous to human life or safety, or which in relation to existing use constitutes a hazard to safety or health, or public welfare, by reasons of inadequate maintenance, dilapidation, obsolescence or abandonment; or do not satisfy Tribal or Federal laws or regulations which pertain to the activity which is actually engaged in; or
- (8) The actual business activity constitutes a public or private nuisance, or has been is being conducted in an unlawful illegal or impermissible manner.

#### **16-04-30    Revocation**

A Business License issued pursuant to this Chapter may be recommended for revocation by the Business Licensing Office for any of the following grounds:

- (1) The Licensee made a material misrepresentation or false or misleading statement in the application for Business License and the statement was not known by the Tribe to be a misrepresentation, false, or misleading at the time the Business License was issued;
- (2) The Licensee has been convicted of, or entered a plea of nolo contendere or guilty to, a criminal offense that would have warranted a denial of the application if the conviction or plea had been entered prior to the issuance of the Business License;
- (3) Conduct of another business within the Reservation that is required to be licensed pursuant to this Chapter but does not have a Business License at the time that such other business is conducted;

- (4) Conduct of the business licensed in such a manner as to constitutes and threatens the health, safety, and general welfare of the Tribe and its members;  
or
- (5) Failure to remedy any circumstances that give rise to the suspension of a Business License within the afforded time period specified in the notice of suspension.