

# TOBACCO ORDINANCE

Siletz Tribal Code § 14.100

## Table of Contents

§ 14.101	TITLE.....	2
§ 14.102	PURPOSE .....	2
§ 14.103	DEFINITIONS .....	2
§ 14.104	ESTABLISHMENT OF TOBACCO OUTLETS .....	3
§ 14.105	NATURE OF OUTLET .....	3
§ 14.106	APPLICATION FOR TOBACCO OUTLET LICENSE.....	3
§ 14.107	CONDITIONS FOR APPLICATION AND APPROVAL OF TOBACCO OUTLET LICENSE.....	4
§ 14.108	THE TOBACCO OUTLET LICENSE .....	4
§ 14.109	EXPIRATION; LICENSE RENEWAL.....	5
§ 14.110	REVENUE STAMP REQUIREMENT .....	5
§ 14.111	RESTRICTED SALES TO MINORS.....	5
§ 14.112	TRIBAL IMMUNITY - LIABILITY - CREDIT.....	5
§ 14.113	OPERATING WITHOUT LICENSE .....	6
§ 14.114	REVOCAION OF TOBACCO OUTLET LICENSE.....	6
§ 14.115	VIOLATION - PENALTIES .....	6
§ 14.116	NON-APPLICATION TO TRIBE.....	6
§ 14.117	SEVERABILITY .....	7

**TOBACCO ORDINANCE**

Siletz Tribal Code § 14.100

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**Ordinance No. 14.100**

Date Adopted: December 16, 2000; Amended by  
Resolution No. 2025-148, dated April 17, 2025.  
Subject: Tobacco Ordinance

**TOBACCO ORDINANCE**

Siletz Tribal Code § 14.100

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**§ 14.100      TITLE**

This ordinance shall be known as the Tobacco Ordinance.

**§ 14.101      PURPOSE**

The purpose of this ordinance is to regulate the sale and distribution of cigarettes and other tobacco products on trust lands and otherwise to ensure the general welfare of the Siletz Tribe.

**§ 14.102      DEFINITIONS**

As used in this ordinance, the following words and phrases shall each have the designated meaning unless a different meaning is expressly provided or the context clearly requires a different meaning:

(a) “Cigarette” means any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape and irrespective of whether the tobacco is flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material except where such wrapper is wholly or in the greater part made of natural leaf tobacco.

## **TOBACCO ORDINANCE**

Siletz Tribal Code § 14.100

---

(b) “Council” shall mean the Tribal Council of the Confederated Tribes of Siletz Indians.

(c) “Operator” shall mean any person licensed by the Tribe to operate a tobacco outlet on the Siletz Tribe’s trust lands.

(d) “Person” includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

(e) “Tobacco Products” shall include cigarettes, cigars, smoking tobacco, snuff, snus, chewing tobacco and all other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking. “Tobacco Products” shall also include inhalant delivery systems, which include devices that can be used to deliver nicotine in the form of a vapor or aerosol to the person inhaling from the device.

(f) “Tribe” shall mean the Confederated Tribes of Siletz Indians.

### **§ 14.103 ESTABLISHMENT OF TOBACCO OUTLETS**

The Tribe may establish one or more tobacco outlets on trust lands as the Tribal Council in its sole discretion deems necessary to provide adequate service to consumers of tobacco products.

### **§ 14.104 NATURE OF OUTLET**

Except as provided in STC § 14.115, each tobacco outlet established hereunder shall be a Tribal tobacco outlet and shall be operated by an Operator pursuant to a license granted by the Tribal Council hereunder. Such operator shall be an independent contractor.

### **§ 14.105 APPLICATION FOR TOBACCO OUTLET LICENSE**

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## **TOBACCO ORDINANCE**

Siletz Tribal Code § 14.100

---

Any person may apply for a tobacco outlet license upon an application form approved by the Council. The application shall state the name and address of the applicant, the location of the proposed tobacco outlet, the period of time, not in excess of five years, for which the license is requested, a description of any other retail or commercial business conducted or to be conducted by the applicant at the location of the proposed outlet, such other information as the Tribal Council may require, and shall be signed by the applicant under oath.

### **§ 14.106      CONDITIONS FOR APPLICATION AND APPROVAL OF TOBACCO OUTLET LICENSE**

- (a) No application for a tobacco outlet license shall be granted unless:
  - (1) The applicant pays an application fee established by the Council not exceeding \$50.00.
  - (2) The applicant is at least 21 years of age.
  - (3) The location proposed for such tobacco outlet complies with all applicable Tribal building codes and zoning ordinances.
  - (4) The Tribal Council determines that there is adequate demand for a tobacco outlet at the location proposed.
  - (5) The Tribal Council determines that the applicant is of good moral character.

(b) The conditions described in this section are not exclusive and the Tribal Council may impose by regulation any other conditions which it deems necessary. Findings and decisions by the Tribal Council with respect to the denial of any application or the granting of any application and the conditions thereof shall be final and conclusive on all persons.

### **§ 14.107      THE TOBACCO OUTLET LICENSE**

Upon approval of an application, the Tribal Council shall issue the applicant a tobacco

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## TOBACCO ORDINANCE

Siletz Tribal Code § 14.100

---

license which shall be effective for a period stated therein, not in excess of five years, and shall entitle the Operator to establish and maintain one tobacco outlet on the trust lands and at the location described in the license. The license shall be nontransferable. As a condition of receiving a tobacco license, the license holder shall be required to immediately report to the Tribal Council any citation for violation of this Ordinance.

### § 14.108 EXPIRATION; LICENSE RENEWAL

Each license granted hereunder shall expire automatically without notice on the expiration date stated in the license. An Operator may apply for renewal of a license by filing a renewal application with the Tribal Council not less than 10 days prior to the license expiration date. Renewal applications shall be subject to all conditions and requirements applicable to an initial application, and any additional conditions and requirements deemed necessary by the Tribal Council.

### § 14.109 REVENUE STAMP REQUIREMENT

No cigarette package shall be sold which does not bear a revenue stamp of the State of Oregon.

### § 14.110 RESTRICTED SALES TO MINORS

No person shall distribute any tobacco products on trust lands to any person under the age of eighteen years.

### § 14.111 TRIBAL IMMUNITY - LIABILITY - CREDIT

An Operator shall not attempt or be authorized to waive the sovereign immunity of the Tribe from suit, nor shall such Operator attempt or be authorized to create any liability on behalf of the Tribe or to utilize tribal credit as a source of payment of any taxes, penalties or other obligations of the Operator arising under this ordinance.

## **TOBACCO ORDINANCE**

Siletz Tribal Code § 14.100

---

### **§ 14.112      OPERATING WITHOUT LICENSE**

No person shall engage in the business of selling or distributing tobacco products on trust lands without having in effect a valid tobacco outlet license issued pursuant to this ordinance.

### **§ 14.113      REVOCAION OF TOBACCO OUTLET LICENSE**

Failure of an Operator to abide by any requirement of this ordinance and any additional requirements imposed by the Tribal Council will constitute grounds for revocation of the Operator's tobacco outlet license as well as enforcement of the remedies in STC § 14.114.

### **§ 14.114      VIOLATION - PENALTIES**

(1) Upon application by the Tribal Council, or upon referral from law enforcement, the Tribal Court shall issue an order directing the seizure of all tobacco products from wherever purchased and by whomever owned from any tobacco outlet being operated in violation of this ordinance. The Tribal Court shall give the person operating such outlet reasonable and adequate notice that a hearing shall be held, at which time such person shall be given an opportunity to present evidence in defense of his or her activities.

(2) If the Tribal Court shall determine by a preponderance of the evidence that such tobacco outlet was being operated in violation of this ordinance, the Tribal Court may impose a penalty in an amount not to exceed \$2500.00 for each such violation and in addition may declare a forfeiture to the Tribe of all or any part of the tobacco products seized as described above. Any non-member of the Tribe found to be in violation of this ordinance may be excluded from trust lands.

### **§ 14.115      NON-APPLICATION TO TRIBE**

The provisions of this ordinance requiring a tobacco outlet license shall not apply to any direct sales of tobacco products by the Siletz Tribe or one of its wholly-owned businesses or enterprises, including but not limited to Chinook Winds Casino Resort.

## **TOBACCO ORDINANCE**

Siletz Tribal Code § 14.100

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### **§ 14.116     SEVERABILITY**

If any provision of this ordinance or its application to any person or circumstance is held to be invalid, the remainder of this ordinance, or the application of the provision to other persons or circumstances, shall not be affected.