

## **Appendix K**

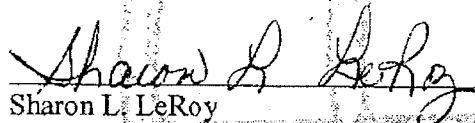
**CAYUGA NATION COUNCIL OF CHIEFS,  
REPRESENTATIVES AND CLAN MOTHERS**

**RESOLUTION AUTHORIZING THE  
CAYUGA NATION OF NEW YORK  
LAND USE ORDINANCE**

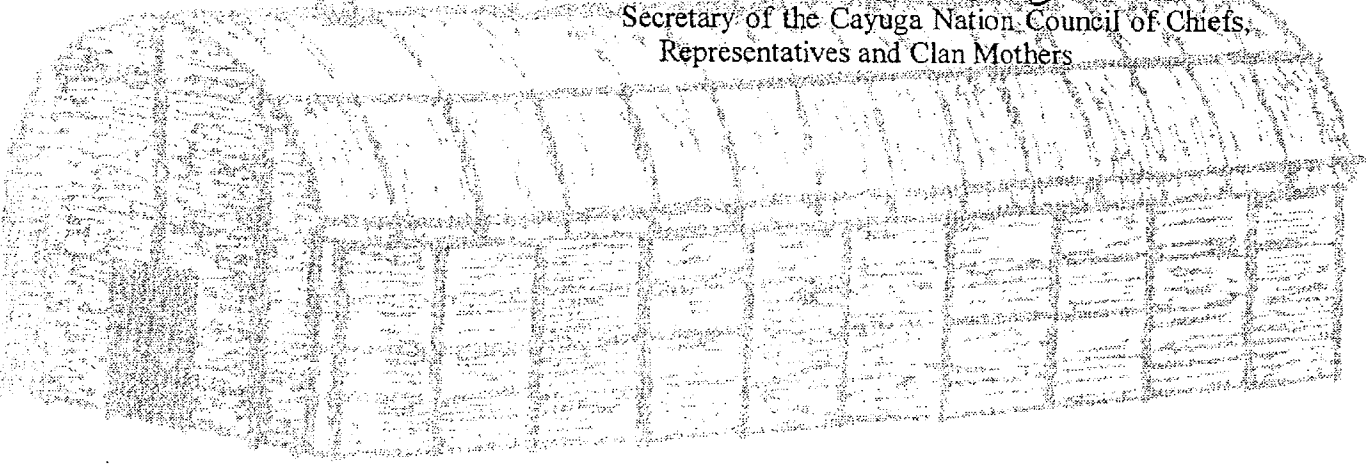
WHEREAS, the Cayuga Nation Council of Chiefs, Representatives and Clan Mothers (hereinafter the "Cayuga Council"), the governing body of the Cayuga Nation of New York (hereinafter the "Nation"), desires to provide procedures for the development and use of lands held in fee simple status or in trust by the United States of America for the Nation (collectively, hereinafter "Nation lands");

NOW, THEREFORE, BE IT RESOLVED, that the Nation, acting through the Cayuga Council, hereby authorizes the Cayuga Nation of New York Land Use Ordinance (Ordinance No. CN-2003-01) to provide procedures for the development and use of Nation lands.

The foregoing resolution was duly adopted by the Cayuga Nation Council of Chiefs, Representatives and Clan Mothers on the 7 day of the month of OCT in the year 2003 and the undersigned is duly authorized to sign, this attestation.

  
Sharon L. LeRoy

Secretary of the Cayuga Nation Council of Chiefs,  
Representatives and Clan Mothers



## **CAYUGA NATION OF NEW YORK**

### **LAND USE ORDINANCE**

#### **ORDINANCE NO. CN-2003-01**

Pursuant to the authority vested in the Cayuga Nation of New York (hereinafter referred to as the "Nation"), by virtue of its sovereignty, its inherent powers of self-government and the Great Law, an oral tradition which members of the Nation continue to accept, the Nation hereby enacts this Land Use Ordinance to provide procedures for the development and use of Nation lands.

#### **ARTICLE I - DEFINITIONS**

"Accessory Use" means a use subordinate to the principal use and located on the same parcel as the principal Use.

"Building" means any permanent structure extending more than two feet above finished grade level. Permanent construction without a roof, including steps, decks, retaining walls, and patios that extend two feet or less above the finished grade level shall not be considered a Building. Any structure which has a foundation which penetrates the surface of the soil more than four inches, or which has a floor plan area greater than thirty-six square feet measured at the outside face of the wall, shall be considered permanent construction.

"Council" means the Cayuga Nation Council of Chiefs, Representatives and Clan Mothers.

"Front Lot Lines" means those boundary lines that constitute the division between the Lot and the street right of way.

"Lot" means a portion of the Nation lands which has specific boundaries and has been designated for a specific use.

"Measurement from Lot Lines" means measurements from Lot Lines which shall be taken perpendicular to the Lot Line.

"Nation lands" means all lands conveyed either directly to the Nation or to the United States of America and held in trust for the Nation.

"Non-Conforming Use" means the use of a Building, structure or parcel of land which does not conform to the regulations of the zone in which it is located. Such use is non-conforming regardless of whether it was lawful at the time this Ordinance became effective.

"Rear Lot Lines" means those boundary lines that divide the Lot from other Nation lands, excepting those Lots or Nation lands fronting on the same street as the Lot.

"Resident" means a person who is a lessee, sub-lessee, owner or home buyer of a residence on Nation lands.

"Resident Family" means the Resident plus the Resident's children, parents, grandchildren, or grandparents or other family members who might reside on the Lot with the Resident.

"Setback" means the distance beyond which a Building shall not extend into any yard or the distance a Building or use must be removed from lot lines or rights of way.

## **ARTICLE II - APPLICABILITY**

The regulations contained in this Ordinance shall apply to all areas designated by the Nation as a district.

## **ARTICLE III - LAND USE PERMIT/SPECIAL PERMIT REQUIRED**

No existing land use shall be substantially changed or altered; nor shall any Building be constructed, added to or renovated; nor shall any landscape construction or site development work be performed within the boundaries of Nation lands without a Land Use Permit or Special Land Use Permit issued by the Council, as required by this Ordinance. No such Land Use Permit or Special Land Use Permit shall be issued unless the proposed development and/or use conforms to this Ordinance.

## **ARTICLE IV - DISTRICTS**

The Council may designate districts for specific portions of the lands within the boundaries of the Nation lands for the application of area specific regulations. Districts approved by the Council shall be depicted on an official Land Use Map. The Council shall ensure that the Land Use Map is current and accurate, and that a copy of the Land Use Map is available for inspection at the Council's offices.

## **ARTICLE V - AUTHORITY TO ISSUE LAND USE PERMITS OR SPECIAL LAND USE PERMITS**

The Council shall issue a Land Use Permit or Special Land Use Permit provided that:

1. The proposed development and/or use meets all the requirements of this Ordinance; and
2. The individual or entity proposing the development and/or land use can prove that the Lot has been assigned to such individual or entity by the Council.

## **ARTICLE VI - AREA REGULATIONS FOR ALL DISTRICTS**

The Council may establish regulations regarding minimum Street Frontage, Minimum Lot Depth, Minimum Lot Area, Front Yard Setback, Side Yard Setback, Rear Yard Setback, Fence Setback, Minimum Dwelling Size, Maximum Building Coverage, Paved Parking Space Setback, and Maximum Number of Parking Spaces per Dwelling, as set forth in Tables C-G, R-L, R-M, R-Z and PUD.

## ARTICLE VII - USE REGULATIONS FOR RESIDENTIAL DISTRICTS

1. Permitted Uses: Within Districts designated R-L: Low Density Residential, R-M: Medium Density Residential, R-Z: Zero Lot Line Residential, PUD: Planned Unit Development, or R-U: Unassigned Residential; only residential use of the scale and type designated for each district, and accessory uses specifically designated as permitted within each district, will be allowed.

a. Permitted uses within R-L: Low Density Residential Districts:

- (i) No more than one detached single family dwelling;
- (ii) Other buildings accessory to domestic life such as garages, storage sheds, boat sheds and other related structures;
- (iii) No permanent accessory buildings shall be allowed on a lot without a detached single family dwelling;
- (iv) Home Occupations conforming to item 4 of this Article; and
- (v) Other requirements are set forth in Table R-L below:

TABLE R-L	
Minimum Street Frontage	125 feet
Minimum Lot Depth	120 feet
Minimum Lot Area	16,500 square feet
Front Yard Setback	40 feet
Side Yard Setback	10 feet
Rear Yard Setback	25 feet
Fence Setback from the Front Lot Line	25 feet
Paved Parking Space Setback	20 feet
Minimum Dwelling Size	950 square feet
Maximum Building Coverage	3,500 square feet
Maximum Number of Parking Spaces per Dwelling	the total number of bedrooms plus 1 (parking spaces within a garage shall be included)

b. Permitted uses within R-M: Medium Density Residential Districts:

- (i) No more than one detached single family dwelling;
- (ii) Other buildings accessory to domestic life such as garages, storage sheds, boat sheds and other related structures;
- (iii) No permanent accessory buildings shall be allowed on a lot without a detached single family dwelling;
- (iv) Home Occupations conforming to item 4 of this Article; and
- (v) Other requirements are set forth in Table R-M below.

TABLE R-M	
Minimum Street Frontage	85 feet
Minimum Lot Depth	85 feet
Minimum Lot Area	10,000 square feet
Front Yard Setback	30 feet
Side Yard Setback	10 feet
Rear Yard Setback	20 feet
Fence Setback from the Front Lot Line	25 feet
Paved Parking Space Setback	20 feet
Minimum Dwelling Size	950 square feet
Maximum Building Coverage	2,750 square feet
Maximum Number of Parking Spaces per Dwelling	the total number of bedrooms plus 1 (parking spaces within a garage shall be included)

c. Permitted uses within R-Z: Zero Lot Line Residential Districts:

- (i) No more than one single family dwelling which may either be detached or attached to one other dwelling unit by party wall along a side lot line;
- (ii) Other buildings accessory to domestic life such as garages, storage sheds, boat sheds and other related structures;

- (iii) No permanent accessory buildings shall be allowed on a lot without a single family dwelling;
- (iv) Home Occupations conforming to item 4 of this Article; and
- (v) Other requirements are set forth in Table R-Z below.

TABLE R-Z	
Minimum Street Frontage	85 feet
Minimum Lot Depth	100 feet
Minimum Lot Area	10,000 square feet
Front Yard Setback	40 feet
Side Yard Setback	20 feet on one side, 0 feet on the other side if the dwelling unit shares a party wall with a dwelling unit on the adjacent lot; 10 feet if the dwelling unit is not attached.
Rear Yard Setback	25 feet
Fence Setback from the Front Lot Line	25 feet
Paved Parking Space Setback	20 feet
Minimum Dwelling Size	950 square feet
Maximum Building Coverage	2,750 square feet
Maximum Number of Parking Spaces per Dwelling	the total number of bedrooms plus 1 (parking spaces within a garage shall be included)

d. Permitted uses within PUD: Planned Unit Development Districts:

(i) Planned Unit Development Districts shall be developed only by Special Use Permit;

(ii) Special Use Permits shall be granted for Planned Unit Development Districts only for well-designed developments which are primarily residential in use and contain provisions for open space, landscaping, recreation, and accessory uses which enhance the quality of life of residents, create an inviting residential character, and are harmonious and compatible with adjoining land uses;

(iii) Residential uses may include single family detached dwelling units, single family attached dwelling units, multi-family dwellings and/or Home Occupations conforming to item 4 or this Article; and

(iv) Accessory uses may include commercial, community, or governmental buildings or facilities which are determined by the Council to enhance the quality of life of the residents of the District and to be compatible with the scale and character of the residential development.

<b>TABLE PUD</b>	
Minimum Street Frontage	200 feet
Minimum Lot Depth	200 feet
Minimum Lot Area	75,000 square feet
Front Yard Setback	40 feet
Side Yard Setback	10 feet
Rear Yard Setback	25 feet
Fence Setback from the Front Lot Line	25 feet
Paved Parking Space Setback	20 feet
Minimum Dwelling Size	800 square feet
Maximum Building Coverage	10% of the Lot Area
Maximum Number of Dwellings per Acre	5
Minimum Area of Developed Recreational Area per Dwelling Unit	700 square feet
Maximum Number of Parking Spaces per Dwelling	the total number of bedrooms plus 1 (parking spaces within a garage shall be included)

e. Permitted uses within R-U: Unassigned Residential Districts:

(i) R-U: Unassigned Residential Districts are reserved for future designation as R-L, R-M, R-Z, or PUD districts; and



(ii) Land in R-U: Unassigned Residential Districts shall not be subdivided, nor established as road rights-of-way, nor assigned to a District without the approval of the Council.

2. Vehicle Parking and Storage Regulations

a. Regulations Applicable to R-L, R-M, and R-Z Districts:

(i) For the purposes of these regulations, automobiles, trucks, and boats requiring the use of a trailer for transport are considered to be vehicles;

(ii) Parking or storage of any motor vehicle which cannot be fully enclosed in a nine foot wide, nine feet high, and thirty foot long space, is prohibited;

(iii) Vehicles may only be parked on the road, driveway areas or within garages;

(iv) Motorized recreational devices such as snowmobiles, motorcycles, personal all terrain vehicles, and personal watercraft shall be parked or stored so that they are not visible from within the public right of way; and

(v) No vehicle which is not registered and in full operational condition shall be stored on a Lot for a period of more than sixty days, unless in an enclosed garage.

b. Regulations Applicable to R-U Districts:

(i) No vehicle parking or storage shall be allowed in R-U districts;  
and

(ii) Once a portion of an R-U District has been designated as a specific District, the regulations applicable to that District shall take effect.

c. Regulations Applicable to PUD Districts:

(i) Regulations applicable to R-L, R-M, and R-Z shall apply to areas within a PUD dedicated to residential use; and

(ii) Where accessory uses have been approved for a PUD, vehicle parking and storage regulations shall be the same as for C-G Districts.

3. Landscape Construction and Maintenance:

a. Regulations applicable to R-L, R-M, R-Z, R-U and PUD Districts:

(i) Lawns may consist of any mixture of plant species provided that lawns are kept mowed or trimmed;

(ii) Use of pesticides, herbicides, or chemical fertilizers on lawns, gardens, trees, or shrubs is strictly limited to the amounts, application procedures and application locations indicated on product labels. Only products available without special license are allowed; and

(iii) No trash, garbage, or salvage material shall be stored on the Lot except in such quantities and such containers as are appropriate for regularly scheduled trash pick up.

4. Home Occupations:

a. Residents may engage in non-agricultural or non-industrial business or hobby activities on their Lots provided that such activities meet all of these conditions:

(i) No objectionable noises, odors, or lights shall impact neighboring lots, nor shall these factors be present in such a way as to adversely impact the health or welfare of the Resident Family;

(ii) No harmful gases, liquids, effluent, or waste materials shall be released or handled in such a way as to result in adverse impact on ground water, neighboring lots, surface water, the atmosphere, water supplies, or sewage treatment facilities. Additionally, such materials shall not be present on the Lot in such a way as to adversely impact the health or welfare of the Resident Family;

(iii) Employment of more than two people who are not residents of the household in the conduct of a business activity or home occupation shall not be permitted;

(iv) This section shall not be construed to allow more parked vehicles than are allowed under the Area Regulations for each District; and

(v) The business activity must be one that is permitted and licensed by the Council.

5. Building Construction:

a. All Buildings on the Lots, other than accessory buildings, must be constructed on permanent masonry foundations and must be connected to permanent underground water, electric, and sewer facilities;

b. Factory built buildings on non-permanent or relocatable foundations shall not be permitted; and

c. This provision shall not be interpreted to prohibit substantially constructed buildings fabricated in sections, kits, or panels which are installed on permanent masonry foundations and meet all other provisions of these regulations and the Cayuga Nation of New York Health and Safety Ordinance.

6. Pets. Residents may keep up to four domesticated animals, such as dogs or cats, as pets. Fowl, nondomesticated animals, or animals that will endanger the health, safety or welfare of the residents of the household or the neighborhood shall not be allowed. Small animals kept in cages or aquariums such as domesticated rodents or fish shall be permitted provided that they are kept inside the house and do not endanger the health, safety or welfare of the residents of the household or the neighborhood.

## **ARTICLE VIII - USE REGULATIONS FOR COMMUNITY AND GOVERNMENTAL DISTRICTS**

Permitted uses within C-G: Community and Governmental Districts:

1. Community and Governmental Districts shall be developed only by Special Use Permit as approved by the Council.

2. Special Use Permits shall be granted for Community and Governmental Districts only for well-designed developments, the primary use of which is governmental or community activities and/or facilities, which contain provisions for open space, landscaping, and accessory uses which enhance the quality of life of occupants and visitors, create an inviting character, and are harmonious and compatible with adjoining land uses.

3. Governmental or community activities and/or facilities include delivery of government services, administration of government functions.

4. Other requirements are set forth in Table C-G below:

<b>TABLE C-G</b>	
Minimum Street Frontage	125 feet
Minimum Lot Depth	120 feet
Minimum Lot Area	16,750 square feet
Front Yard Setback	consistent with the character of the adjacent properties and as approved by the Council
Side Yard Setback	consistent with the character of the adjacent properties and as approved by the Council
Rear Yard Setback	consistent with the character of the adjacent properties and as approved by the Council
Fence Setback from the Front Lot Line	consistent with the character of the adjacent properties and as approved by the Council

<b>TABLE C-G</b>	
Paved Parking Space Setback	consistent with the character of the adjacent properties and as approved by the Council
Maximum Total of Building Coverage Plus Non-Permeable Paved Surface Area	60% of the Lot Area
Minimum Number of Parking Spaces	as rationally determined for the intended use to accommodate regular occupants and visitors, and as approved by the Council

## **ARTICLE IX - APPLICATION OF ORDINANCE**

(a) Except as hereinafter provided, no Building shall be erected, reconstructed or structurally altered on Nation lands except in compliance with this Ordinance or other regulations or ordinances of the Nation.

(b) Where site development standards are established by this Ordinance no Building permit shall be issued for new construction or reconstruction until a site development plan has been approved by the Council.

(c) Where a structure or land use exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions, such structure or land use shall be deemed non-conforming and may be continued, so long as it remains otherwise lawful. The non-conforming use of any structure and/or land or any portion thereof shall not be improved, extended, or enlarged after adoption of this Ordinance.

(d) A non-conforming use shall be deemed abandoned if it is discontinued or abandoned for a continuous period of three (3) months and any subsequent future use of such land or Buildings must be in conformity with the provisions of this Ordinance.

## **ARTICLE X - APPLICATION FOR LAND USE PERMIT**

### **1. Application**

a. Applications for a land use permit shall be submitted to the Council. The application shall be reviewed in accordance with the factors set forth in items 2a. to d. of this Article. When a business license is also required the applications for a business license and land use permit shall be filed and processed concurrently by the Council.

b. In determining whether or not to issue a land use permit, the following factors shall be considered:

(i) The consistency of the use with the objectives of this Ordinance;

- (ii) The compatibility of the use and its impact on the district;
- (iii) The location of the proposed use and its physical harmony with the area in which it is proposed; and
- (iv) The environmental impact of the use.

2. Procedures Before the Council

a. Upon referral of an application for a land use permit to the Council, the Council shall cause notice of the pending application to be posted at locations throughout Nation lands and also advise the contiguous residents of the pending application. The Council may hold a hearing on the application. Notice of all scheduled hearings shall be published and posted throughout Nation lands at least five (5) business days prior to any scheduled hearing.

b. The Council may call witnesses or request the submission of any other material considered relevant to a determination of an application for the permit.

c. The Council shall either grant or deny the application.

d. Within ten (10) days of its decision, the Council shall notify the applicant of its decision, the grounds for the decision and the procedure for petitioning for review of an unfavorable decision to the Council.

(i) Construction work on any structure or use for which a land use permit is granted shall be commenced within one (1) year of permit issuance and diligently prosecuted to completion. The permit upon which construction has not commenced within one (1) year or which has been abandoned for six (6) continuous months may be withdrawn by action of the Council.

(ii) An appeal of the denial of a land use permit shall be filed with the Secretary of the Council within ten (10) days of receipt of the decision from the Council.

**ARTICLE XI - APPLICATION FOR SPECIAL USE PERMIT**

1. Purpose. The special use permit is intended to allow flexibility and creativity in the application of this Ordinance by providing a procedure for the approval of uses not otherwise permitted by this Ordinance where such uses are in conformity with the purpose of the district and the overall objective of this Ordinance.

2. Application.

a. Applications for a special use permit shall be submitted to the Council. The application shall be reviewed in accordance with the factors set forth in items 2a. to d. of this Article. When a business license is also required the applications for a business license and special use permit shall be filed and processed concurrently by the Council.

b. In determining whether or not to issue a special use permit, the following factors shall be considered:

- (i) The consistency of the use with the objectives of this Ordinance;
- (ii) The compatibility of the use and its impact on the district;
- (iii) The location of the proposed use and its physical harmony with the area in which it is proposed; and
- (iv) The environmental impact of the use.

3. Procedures Before the Council.

a. Upon referral of an application for a special use permit to the Council, the Council shall cause notice of the pending application to be posted throughout Nation lands and also advise the contiguous residents of the pending application. The Council may hold a hearing on the application. Notice of all scheduled hearings shall be published and posted at locations throughout Nation lands at least five (5) business days prior to any scheduled hearing.

b. The Council may call witnesses or request the submission of any other material considered relevant to a determination of an application for the permit.

c. The Council shall either grant or deny the application.

d. Within ten (10) days of its decision, the Council shall notify the applicant of its decision, the grounds for the decision and the procedure for petitioning for review of an unfavorable decision to the Council.

4. Construction work on any structure or use for which a special use permit is granted shall be commenced within one (1) year of permit issuance and diligently prosecuted to completion. The permit or special use upon which construction has not commenced within one (1) year or which has been abandoned for six (6) continuous months may be withdrawn by action of the Council.

5. An appeal of the denial of a special use permit shall be filed with the Secretary of the Council within ten (10) days of receipt of the decision from the Council.

**ARTICLE XII - ADMINISTRATION AND ENFORCEMENT**

(a) The Council shall administer and enforce this Ordinance. If the Council finds that any of the provisions of this Ordinance are being violated, it shall notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.

(b) No oversight or dereliction on the part of the Council or any official or employee of the Nation vested with the authority or duty to issue permits or licenses shall

legalize, waive, or excuse the violation of any of the provisions of this Ordinance. No permit or license for any use, Building, mobile home trailer, or other structure or use shall be issued if the same would conflict with any provision of this Ordinance or any other regulations or ordinance of the Nation. No permit or license shall legalize, authorize, waive and excuse the violation of any of the provisions of this Ordinance.

(c) The Council is authorized to promulgate rules and regulations and to develop forms and procedures to effectuate and enforce the provisions of this Ordinance.

### **ARTICLE XIII - VIOLATIONS**

(a) It is a violation of this Ordinance for any Resident to use, erect, construct, move, alter, or attempt to use erect, construct, move or alter any property, Building, mobile home, trailer, or structure unless in conformance with this Ordinance, and the same are hereby declared public nuisances.

(b) If the Council determines that Buildings, driveways, fences, plantings, or other construction or site development are not in compliance with these regulations, the Council shall notify the Resident in writing that such non-complying items must be removed or altered to be within compliance within sixty (60) days of receipt of such notice. If non-complying items are not corrected within sixty (60) days of the Resident's receipt of notice, the Council shall have the right to enter the Lot and correct the non-complying items by demolition or removal or mowing, and to charge the Resident for the costs incurred. Residents engaging in noncomplying activities, such as excessive application of pesticides, shall be subject to fines as determined by the Council.

(c) The Council may take any and all appropriate actions to halt, abate, or modify the construction of any Building, structure or use of any real property which is in violation of this Ordinance. Any such action may also seek damages, and/or restoration of the property.

(d) In addition to all other penalties, any person, firm, or corporation knowingly violating this Ordinance may be assessed a civil fine of not more than \$500.00 for each violation, and seizure and forfeiture as contraband of any property used in connection with such violation.

(e) The Resident may be required to remove any non-conforming structures at his or her own expense. Should the Resident refuse to remove the structures, the Council may order removal and charge the Resident for the cost of removal.

### **ARTICLE XIV - JUDICIAL REVIEW**

(a) The Council shall have exclusive jurisdiction of all actions arising under this Ordinance.

(b) A petition for review of a denial of a land use or special use permit shall be filed with the Council within (ten) 10 days of receipt of the decision from the Council. A

petition for review of any other action taken under this Ordinance shall be filed within (thirty) 30 days of the date such action becomes final.

(c) The Council, when reviewing a final action of the Council, shall consider only whether the action was clearly erroneous and wholly without factual basis.

(d) The decision of the Council shall be final and not subject to review by any other court or administrative body.

#### ARTICLE XV - DELEGATION

The Council, as it deems appropriate, may establish procedures for the performance of certain or all of its functions hereunder by (i) a commission, committee or board composed of members or other representatives of the Nation or (ii) one or more member(s) or other representative(s) of the Nation, whether or not such member(s) or representative(s) is/are members of the Council. Third parties shall be entitled to rely on such commission, committee, board, member(s), or representative(s) acting on behalf of the Nation.

#### ARTICLE XVI - INTERPRETATION

1. Sovereign Immunity. By enacting this Ordinance, the Nation does not waive in any respect its sovereign immunity, or that of its agents or instrumentalities, in any manner, for any purpose, nor in any place.

2. No Right of Action. This Ordinance does not create any right, cause of action or benefit enforceable at law or in equity by any person against the Nation, its agencies, its officers or employees, or any other person.

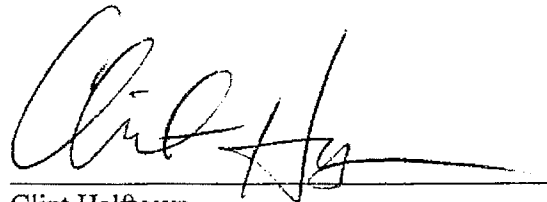
3. Sole Procedure. This Ordinance establishes the sole procedures for the development and use of Nation lands.

4. Not Subject to Review. This Ordinance is not subject to review, enforcement or modification in any state or federal court or by any authority outside the Nation.

#### ARTICLE XVII - EFFECTIVE DATE

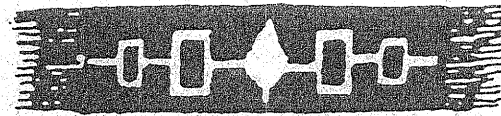
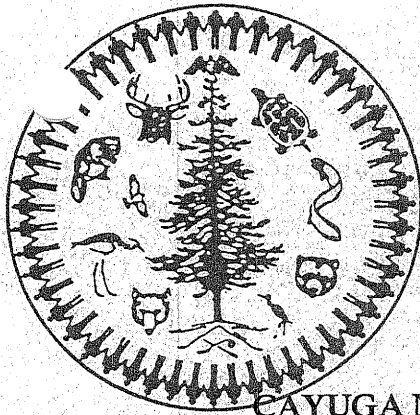
This Ordinance is effective upon enactment.

Enacted this 7 day of October, 2003.



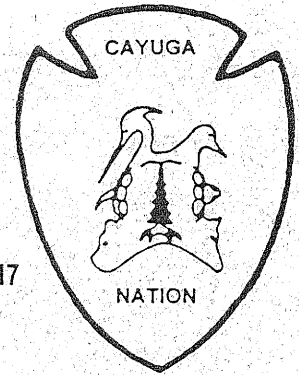
Clint Halftown  
Nation Representative





# HAUDENOSAUNEE CAYUGA NATION

P.O. BOX 11 VERSAILLES, NY 14168-0011 716-532-4847, FAX 716-532-5417



## CAYUGA NATION COUNCIL OF CHIEFS, REPRESENTATIVES AND CLAN MOTHERS

### RESOLUTION AUTHORIZING CLASS II GAMING OPERATIONS BY THE CAYUGA NATION OF NEW YORK

WHEREAS, the Cayuga Nation of New York (hereinafter "Nation") intends to conduct Class II gaming as permitted by the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq. (hereinafter "IGRA") on lands conveyed either directly to the Nation or to the United States of America and held in trust for the Nation (collectively, hereinafter "lands");

NOW, THEREFORE, BE IT RESOLVED, that the Nation, acting through its duly constituted government hereby authorize Class II gaming operations on the Nation's land pursuant to the IGRA, 25 U.S.C. 2701 et seq.

#### I. PURPOSE

The Cayuga Nation Council of Chiefs, Representatives and Clan Mothers hereby enacts this Gaming Ordinance in order to set the terms for Class II gaming operations on the Nation's lands for the benefit of the Nation.

#### II. SHORT TITLE

This resolution may be cited as the "Cayuga Nation Class II Gaming Ordinance".

#### III. DEFINITIONS

The terms used in this Gaming Ordinance shall have the same meanings as identical terms defined in the IGRA, and the regulations of the National Indian Gaming Commission (hereinafter "NIGC Regulations"). As used in this Gaming Ordinance, the terms "key employee" and "primary management official" shall be used as those terms are defined in 25 C.F.R. 502.14 and 502.19, respectively.

#### IV. GAMING AUTHORIZED

Class II gaming as defined in the IGRA, P.L. 100-497, 25 U.S.C. 2703(7)(A) and in the NIGC Regulations at 25 C.F.R. 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) is hereby authorized on the Nation's lands.

## V. OWNERSHIP OF GAMING

The Nation shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this ordinance.

## VI. USE OF GAMING NET REVENUES

- A. Net revenues from Class II gaming shall be used for the following purposes: (i) to fund the Nation's government operations and programs; (ii) to provide for the general welfare of the Nation and its members; (iii) to promote the Nation's economic development; (iv) as donations to charitable organizations; or (v) to help fund operations of local government agencies.
- B. If the Nation elects to make per capita payments to the Nation's members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Department of the Interior under 25 U.S.C. 2710 (b)(3)(C). Any per capita payments are subject to federal taxation and the Nation shall notify its members of such tax liability when payments are made.
- C. The Nation shall ensure that the interest of minors and other legally incompetent persons who are entitled to receive any of the per capita payments are protected and preserved and the per capita payments are disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the health, education, or welfare of the minor or other legally incompetent person under a plan approved by the Secretary of the Department of the Interior and the Cayuga Nation Council of Chiefs, Representatives and Clan Mothers.

## VII. AUDIT

- A. The Nation shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission.
- B. All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection A. above.

## VIII. PROTECTION OF THE ENVIRONMENT AND PUBLIC HEALTH AND SAFETY

Class II gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment, and the public health and safety.

## IX. EMPLOYEE LICENSING AND BACKGROUND INVESTIGATIONS

The Nation shall perform or cause to be performed background investigations and issue licenses for key employees and primary management officials according to requirements that are at least as stringent as those found in 25 C.F.R. Parts 556 and 558. Any person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming shall not be eligible for employment. The Nation shall notify the National Indian Gaming Commission of the results of such background checks before the issuance of any of such licenses.

## X. LICENSE LOCATIONS

The Nation shall issue a separate license to each place, facility, or location on the Nation's lands where Class II gaming is conducted under this ordinance.


## XI. MINIMUM INTERNAL CONTROL STANDARDS

The Nation shall establish and implement minimum internal control standards to regulate gaming operations that are as stringent as those requirements set forth in 25 C.F.R. Part 542. The Nation shall also establish and implement minimum control standards for games not addressed in 25 C.F.R. Part 542.

## XII. REPEAL

To the extent that they are inconsistent with this ordinance, all prior gaming ordinances are hereby repealed.

The foregoing resolution was adopted by the Cayuga Nation Council of Chiefs, Representatives and Clan Mothers on the 20<sup>th</sup> day of the month of July in the year 2003 and the undersigned was duly authorized to sign this attestation.

  
Ms. Sharon L. LeRoy  
Secretary of the Cayuga Nation Council