

RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION

WHEREAS, the Tribal Council has enacted 159 Ordinances; and

WHEREAS, the Tribal Council has reviewed and enacted five of the proposed revised tribal codes; specifically:

1. the Domestic Code
2. the Education Code
3. the Game and Fish Code
4. the Government Code
5. the Judicial Code

and

WHEREAS, there remains approximately 69 active ordinances that have not been incorporated into the approved codes; and

WHEREAS, the Legal Department has advised the Tribal Council of the difficulties in identifying and accessing the current tribal law due to the partial enactment of the revised code and the uncodified ordinances; and

WHEREAS, the Legal Department has codified the remaining 69 ordinances into the following titles:

1. Business Code
2. Criminal Code
3. Health and Safety Code
4. Housing and Construction Code
5. Juvenile Code
6. Labor Code
7. Land Code
8. Livestock Code
9. Probate Code
10. Tax Code

and

WHEREAS, the Tribal Council has been advised that the ordinance codification is not revised law and does not preempt the revised tribal code but merely provides for a temporary uniform systemization of current approved tribal law until such time as the Tribal Council has reviewed and enacted the remaining proposed revised codes; and

WHEREAS, the Tribal Council is further advised that no changes have been made to the existing tribal law through the codification of the active ordinances, except to categorize the ordinances into an applicable code and assign appropriate and uniform section numbers and identification of each section through a section title; and

WHEREAS, the following ordinances have been codified as the White Mountain Apache Business Code:

- Ordinance 32: Pertaining to Business Licenses and Fees; enacted September 3, 1959
- Ordinance 60: Amending Ord. 32, Section 15; Regarding Business Licenses for Building and Earth Moving Contractors; enacted September 2, 1964.
- Ordinance 153: Amending Ord. 60, Section 15b; Regarding Fees for Building and Earth Moving Contractors; enacted November 14, 1986.
- Ordinance 90: Amending Ord. 32; Waiving the license and lease fee for tribal members for five years; enacted November 10, 1971.
- Ordinance 65: Amending Ord. 60; Section 15a: Exempting tribal members from contractors license fee; enacted April 8, 1965.
- Ordinance 120: Pertaining to the regulation of peddlers; enacted March 4, 1981.
- Ordinance 49: Tribal Business Lease Requirements; enacted April 5, 1963.
- Ordinance 57: Amending Ord. 49: extending trader's business from 10 years to 25 years; enacted April 16, 1964.
- Ordinance 15: Regulation of Public Transportation; enacted May 2, 1949.
- Ordinance 97: Unlawful Sales and Advertising Practices; enacted December 3, 1975.

Ordinance 146: Repossession of personal property on the Fort Apache Indian Reservation; enacted September 13, 1984.

Ordinance 150: Housemovers Regulations and License Requirements; enacted July 14, 1986.

and

WHEREAS, the Tribal Council has reviewed the codification of the foregoing ordinances and concludes that said ordinances should be codified as the White Mountain Apache Business Code until such time as the Tribal Council has had the opportunity to thoroughly review and enact the proposed revised Business Code.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the codification of the foregoing ordinances as the White Mountain Apache Business Code.

BE IT FURTHER RESOLVED by the Tribal Council that the sections of the foregoing ordinances shall be renumbered and identified pursuant to the outline attached to and made a part of this resolution.

BE IT FURTHER RESOLVED by the Tribal Council that the codification of the foregoing ordinances does not constitute any amendment or repeal of the existing tribal law and therefore, it is not mandatory that the codification be posted for public comment.

The foregoing resolution was on March 1, 1989, duly adopted by a vote of NINE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

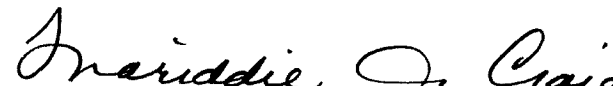
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MAR 10 1989

Fort Apache Indian Agency  
Wilberforce, Arizona



Chairman of the Tribal Council

  
Secretary of the Tribal Council

ORDINANCE NO. 32:

ARTICLE I

Section 1. Definitions

- (a) Person
- (b) Business

Section 2.

Section 3.

Section 4.

Section 5.

Section 6.

Section 7.

Section 8.

- (a) Billboard and Poolhall
- (b) Billboard Advertising

ARTICLE II

Section 9.

Hotels, Rooming Houses and Motels  
Definition of Hotel:

Section 10.

Fees for Motels and Hotels

ARTICLE IV

Section 11.

Public Eating Places, Definition of:

Section 12.

License Fee for Public Eating Places

ARTICLE V

Section 13.

Service Stations and Garages;  
Definition:

BUSINESS CODE

CHAPTER ONE  
BUSINESS LICENSES

SECTION 1.1      DEFINITIONS

- A. Person
- B. Business

SECTION 1.2      LICENSE REQUIRED

SECTION 1.3      ISSUANCE OF LICENSE TAX

SECTION 1.4      PAYMENT OF LICENSE TAX

SECTION 1.5      PRODUCTION OF LICENSE

SECTION 1.6      TRANSFER OF LICENSE; COUNCIL  
APPROVAL

SECTION 1.7      LICENSE TAX DUE DATES

SECTION 1.8      LICENSE TAX; SCHEDULE

- A. Billboard and Poolhall
- B. Billboard Advertising

SECTION 1.1      DEFINITIONS

- C. Hotels, Rooming Houses and Motels

SECTION 1.8      LICENSE TAX; SCHEDULE

- C. Motels and Hotels

SECTION 1.1      DEFINITIONS

- D. Public Eating Places

SECTION 1.8      LICENSE TAX; SCHEDULE

- D. Public Eating Places

SECTION 1.1      DEFINITIONS

- E. Service Stations and Garages

ORDINANCE NO. 32 (cont'd):

Section 14.

Fees:

ARTICLE VI

Section 15.

Mercantile Business

Section 16.

Fees

Section 17.

Bakeries

ARTICLE VII

Section 19.

Section 10.

Section 21. Occupations not mentioned  
in this Ordinance

ARTICLE IX

Section 22. Complying with Law  
and Regulations

ARTICLE X

Section 23.

Section 24.

ORDINANCE NO. 60:

[Amending Ord. 32: Section 15]

Section 15a

Section 15c

CHAPTER ONE (cont'd):

SECTION 1.8 LICENSE TAX; SCHEDULE

E. Service Stations and Garages

SECTION 1.1 DEFINITIONS

F. Mercantile Business

SECTION 1.8 LICENSE TAX; SCHEDULE

F. Mercantile Business

SECTION 1.8 LICENSE TAX; SCHEDULE

G. Bakeries

SECTION 1.10 EXEMPTIONS AND FEE WAIVERS

A. Charitable:

SECTION 1.10 EXEMPTIONS AND FEE WAIVERS

B. Federal

SECTION 1.9 OTHER OCCUPATIONS; LICENSE BY COUNCIL  
RESOLUTION

SECTION 1.11 COMPLIANCE; REVOCATION; HEARING

CHAPTER THREE - BUSINESS LEASES

SECTION 3.1 LAND LEASES REQUIRED

SECTION 1.10 EXEMPTIONS AND FEE WAIVERS

E. New Industry Waiver

SECTION 1.8 LICENSE TAX; SCHEDULE

H. Building and Earthmoving Contractors

SECTION 1.8 H. (2) Building Permit

ORDINANCE NO. 60 (cont'd):

Section 15d

Section 15e

Section 15f

ORDINANCE NO. 153:

[Amending Ord. 60: Section 15b]

Section 15b. Fees:

ORDINANCE NO. 90:

BE IT ENACTED . . .

BE IT FURTHER ENACTED . . .

BE IT FURTHER ENACTED . . .

ORDINANCE NO. 65:

[Amending Ord. 60: Section 15a]

ORDINANCE NO. 120:

REGULATIONS OF PEDDLERS

Section 1. A. Definitions

- (a) Peddler
- (2) Peddling
- (3) Non-member
- (4) Selling or offer for sale
- (5) Tribal Fair and Rodeo Commission

SECTION II.

A. Peddlers Permit Required

B. Permit Fees:

- (1)
- (2)

CHAPTER ONE (cont'd):

SECTION 1.8 H. (3) Building Repairs

SECTION 1.8 H. (4) Exemptions (b)

SECTION 1.8 H. (4) Exemptions (c)

SECTION 1.8 H. (1) Fees

SECTION 1.10 EXEMPTIONS AND FEE WAIVERS

C. Tribal Member Business; General

- (1) ...
- (2) ...
- (3) ...

SECTION 1.8 H. (4) Exemptions (a)

CHAPTER TWO  
PEDDLERS

SECTION 2.1 DEFINITIONS

- A. Peddler
- B. Peddling
- C. Non-member
- D. Selling or offer for sale
- E. Tribal Fair and Rodeo Commission

SECTION 2.2 PEDDLERS PERMIT REQUIRED

SECTION 2.3 PEDDLERS PERMIT FEES

- A.
- B.

ORDINANCE NO. 120 (cont'd):

C. Bonding or other Assurances

- (1)
- (2)
- (3)
- (4)

SECTION III

A. Enforcement Powers, Procedures and Remedies Penalties and Forfeiture of Merchandise:

- (1)
- (2)

SECTION IV Revocation of Permit and Recovery or Forfeiture of Bond:

SECTION V. Seizure of Goods/ Temporary Restraining Order Without Notice:

SECTION VI Show Cause Procedures:

- (A)
- (B)

SECTION VII Separability:

ORDINANCE NO. 49:

BE IT ENACTED . . .

BE IT FURTHER ENACTED . . .

ORDINANCE NO. 57:

[Amends Ord. 49]

BE IT ENACTED . . .

ORDINANCE NO. 15:

SECTION 1. - PERMITS

SECTION 2. - REGULATIONS

CHAPTER TWO (cont'd):

SECTION 2.4 BONDING OR OTHER ASSURANCES

- A.
- B.
- C.
- D.

SECTION 2.5 ENFORCEMENT POWERS; PROCEDURES AND REMEDIES; PENALTIES AND FORFEITURE OF MERCHANDISE

SECTION 2.6 EXCLUSION

SECTION 2.7 REVOCATION OF PERMIT; RECOVERY OR FORFEITURE OF BOND

SECTION 2.8 SEIZURE OF GOODS; TEMPORARY RESTRAINING ORDER WITHOUT NOTICE

SECTION 2.9 SHOW CAUSE PROCEDURES

- A.
- B.
- C.

SECTION 2.10 SEVERABILITY

CHAPTER THREE - BUSINESS LEASES

SECTION 3.2 TRADER'S LEASE

- A.
- B.

CHAPTER THREE - BUSINESS LEASES

SECTION 3.2 TRADER' LEASE

- C.

CHAPTER FOUR - TRANSPORTATION

SECTION 4.1 PERMITS

SECTION 4.2 REGULATIONS

ORDINANCE NO. 15 (cont'd):

SECTION 3 - FRANCHISE

ORDINANCE NO. 97:

ARTICLE I

Section 1. Definitions

1. Advertisement
2. Chief of Police
3. Authorized delegate
4. Examine
5. Merchandise
6. Person
7. Sale
8. Reservation
9. Tribal Court

Section 2. Unlawful Practices

Section 3. Powers of Chief of Police

- 1.
- 2.
- 3.
- 4.

Section 4. Nonadmissibility and Confidentiality of evidence or information

Section 5. Subpoena; hearing; rules regulations

Section 6. Failure to supply information or obey subpoena

Section 7. Remedies; injunction; other reliefs; receiver

Section 8. Powers of Receiver

Section 9. Assurance of discontinuance of unlawful practice

Section 10. Violations; civil penalties

CHAPTER FOUR (cont'd):

SECTION 4.3 FRANCHISE

CHAPTER FIVE  
UNLAWFUL SALES AND ADVERTISING PRACTICES

SECTION 5.1 DEFINITIONS

- A. Advertisement
- B. Chief of Police
- C. Authorized Delegate
- D. Examine
- E. Merchandise
- F. Person
- G. Sale
- H. Reservation
- I. Tribal Court

SECTION 5.2 UNLAWFUL PRACTICES

SECTION 5.3 POWERS OF CHIEF OF POLICE

- A.
- B.
- C.
- D.

SECTION 5.4 NONADMISSIBILITY AND CONFIDENTIALITY OF EVIDENCE OR INFORMATION

SECTION 5.5 SUBPOENA; HEARING; RULES AND REGULATIONS

SECTION 5.6 FAILURE TO SUPPLY INFORMATION OR OBEY SUBPOENA

SECTION 5.7 REMEDIES; INJUNCTION; OTHER RELIEFS; RECEIVER

SECTION 5.8 POWERS OF RECEIVER

SECTION 5.9 ASSURANCE OF DISCONTINUANCE OF UNLAWFUL PRACTICE

SECTION 5.10 VIOLATIONS; CIVIL PENALTIES



ORDINANCE NO. 97 (cont'd):

Section 11. Violation of order or injunction; penalty

Section 12. Claims not barred

Section 13. Costs recoverable

Section 14. Dissemination of Ordinance

ORDINANCE NO. 146:

Section 101. Purposes

- (1)
- (2)
- (3)

Section 102. Supplementary principles of law applicable

Section 103. U.C.C. Provisions

Section 104. Applicability of Ordinance

Section 105. Definitions

- (1) Business
- (2) Consumer goods
- (3) Enrolled member
- (4) Indian
- (5) Non-member
- (6) Person
- (7) Personal Property
- (8) Procedures of repossession
- (9) Purchaser
- (10) Secured Party
- (11) Secured Transaction
- (12) Tribal Member
- (13) Tribe

Section 106. Repossession of personal property

Section 107. Violations - Sanctions

CHAPTER FIVE (cont'd):

SECTION 5.11 VIOLATION OF ORDER OR INJUNCTION; PENALTY

SECTION 5.12 CLAIMS NOT BARRED

SECTION 5.13 COSTS RECOVERABLE

SECTION 5.14 DISSEMINATION OF CHAPTER

CHAPTER SIX  
REPOSSESSION OF PERSONAL PROPERTY

SECTION 6.1 PURPOSES

- A.
- B.
- C.

SECTION 6.2 SUPPLEMENTARY PRINCIPLES OF LAW APPLICABLE

SECTION 6.3 U.C.C. PROVISIONS

SECTION 6.4 APPLICABILITY OF CHAPTER

SECTION 6.5 DEFINITIONS

- A. Business
- B. Consumer goods
- C. Enrolled member
- D. Indian
- E. Non-member
- F. Person
- G. Personal Property
- H. Procedures of repossession
- I. Purchaser
- J. Secured Party
- K. Secured Transaction
- L. Tribal Member
- M. Tribe

SECTION 6.6 REPOSSESSION OF PERSONAL PROPERTY

SECTION 6.7 VIOLATIONS; SANCTIONS

ORDINANCE NO. 146 (cont'd):

Section 108. Civil liability

Section 109. Severability

Section 110.

Section 111.

ORDINANCE NO. 140:

Section I.

Section II. Purpose:

Section III.

Section IV. Saving Clause:

Section V: Definitions:

- (a) Inoperable motor vehicle:
- (b) Permit or license to do business:
- (c) Private junkyard:
- (d) Private junkyard owner/operator:
- (e) Non-private junkyard:
- (f) Private yard:
- (g) Proof of ownership:
- (h) Squatter:

Section VI: Scope

Section VII:

(b)

(c)

(d)

(e)

(f)

CHAPTER SIX (cont'd):

SECTION 6.8 CIVIL LIABILITY

SECTION 6.9 SEVERABILITY

SECTION 6.10 TRIBAL COURT JURISDICTION

SECTION 6.11 SOVEREIGN IMMUNITY NOT WAIVED

CHAPTER SEVEN  
REGULATION OF PRIVATE JUNKYARDS

SECTION 7.1 SHORT TITLE

SECTION 7.2 PURPOSE

SECTION 7.3 LIBERAL CONSTRUCTION

SECTION 7.4 SAVING CLAUSE

SECTION 7.5 DEFINITIONS

- A. Inoperable motor vehicle:
- B. Permit or license to do business:
- C. Private junkyard:
- D. Private junkyard owner/operator:
- E. Non-private junkyard:
- F. Private yard:
- G. Proof of ownership:
- H. Squatter:

SECTION 7.6 SCOPE

SECTION 7.7 PRIVATE JUNKYARD PRESUMPTION;  
LICENSE AND PROOF OF VEHICLE  
OWNERSHIP REQUIRED

SECTION 7.11 ENFORCEMENT; INVESTIGATION

SECTION 7.10 VIOLATIONS; SANCTIONS

- A.
- B.

SECTION 7.12 ISSUANCE OF CITATION

- A.
- B.

ORDINANCE NO. 140 (cont'd):

- Section VIII: Permit to do business.  
Section IX: Failure to show ownership  
Section X: Notification and Right  
to Hearing and Rebuttal.  
Section XI: Court Action  
Section XII: Order to Remove.  
Section XIII: Jurisdiction:  
Section XIV:  
Section XV: Effective Date:  
Section XVI: Severability Clause:

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- SECTION 7.8 PERMIT TO DO BUSINESS  
SECTION 7.9 FAILURE TO SHOW OWNERSHIP  
SECTION 7.13 NOTIFICATION AND RIGHT  
TO HEARING AND REBUTTAL  
SECTION 7.14 COURT ACTION  
SECTION 7.15 ORDER TO REMOVE  
SECTION 7.16 JURISDICTION  
SECTION 7.17 CHAPTER NOT WAIVER OF SOVEREIGN  
IMMUNITY OR CONSENT TO BE SUED  
SECTION 7.18 EFFECTIVE DATE  
SECTION 7.19 SEVERABILITY CLAUSE

ORDINANCE NO. 150:

HOUSE MOVER'S  
REGULATIONS AND LICENSE REQUIREMENTS

Section 1. Definitions:

- (a) House Mover
- (b) House
- (c) House Mover's Permit
- (d) Person
- (e) Reservation
- (f) Tribe or Tribal
- (g) Tribal Agent

Section 2. Engaging in House Moving  
without a Permit Prohibited

Section 3. Contractor's License  
Required:

Section 4. Trader's License and  
House Mover's Permit  
Required:

CHAPTER EIGHT  
HOUSE MOVER'S  
REGULATIONS AND LICENSE REQUIREMENTS

SECTION 8.1 DEFINITIONS

- A. House Mover
- B. House
- C. House Mover;s Permit
- D. Person
- E. Reservation
- F. Tribe or Tribal
- G. Tribal Agent

SECTION 8.2 ENGAGING IN HOUSE MOVING  
WITHOUT A PERMIT PROHIBITED

SECTION 8.3 CONTRACTOR'S LICENSE REQUIRED

SECTION 8.4 TRADER'S LICENSE AND  
HOUSE MOVER'S PERMIT  
REQUIRED

ORDINANCE NO. 150 (cont'd):

- Section 5. Issuance of Display of Licenses and Permits:
- Section 6. License, Permit and Bond Fees:
- Section 7. Exemptions:
- Section 8. Violations; Penalties:
- Section 9. Jurisdiction:
- Section 10. Sovereign Immunity:
- Section 11. Severability:

CHAPTER EIGHT (cont'd):

- SECTION 8.5 ISSUANCE AND DISPLAY OF LICENSES AND PERMITS
- SECTION 8.6 LICENSE, PERMIT AND BOND FEES
- SECTION 8.7 EXEMPTIONS
- SECTION 8.8 VIOLATIONS; PENALTIES
- SECTION 8.9 JURISDICTION
- SECTION 8.10 SOVEREIGN IMMUNITY
- SECTION 8.11 SEVERABILITY