

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 Health and Safety Code:

- Ordinance 25: Public Health Code - White Mountain Apache Board of Health; enacted August 1, 1955.
- Ordinance 39: Involuntary confinement of contagious persons; enacted March 1, 1960
- Ordinance 34: Regulations of explosives; enacted 1959.
- Ordinance 88: Regulation of food establishments; enacted September 10, 1970.
- Ordinance 78: Adoption of Arizona Civil Defense Statutes; enacted July 13, 1966.
- Ordinance 119: Regulation of sale of toxic substances, gasoline and tobacco to minors; enacted March 4, 1981.
- Ordinance 36: Registration requirements for domestic animals; enacted August 5, 1958.
- Ordinance 52: Amending Article I, Section 3 of Ordinance 32; enacted July 31, 1963.
- Ordinance 35: Vaccination of dogs; enacted August 5, 1959.
- Ordinance 51: Vaccination requirements; enacted July 31, 1963.
- Ordinance 125: Alcoholic Beverage Control; enacted November 4, 1981.

- Ordinance 148: Amends Ordinance 125: Section ** - Definition; Section X - Illegal Activities; and Section XI - Tribal Court Jurisdiction; enacted April 16, 1986.
- Ordinance 101: Adoption of Arizona Traffic Laws; enacted November 3, 1976.
- Ordinance 63: Parties to a crime in motor vehicle cases = eliminates ARS §28-1051; enacted December 2, 1964.
- Ordinance 43: Special truck provisions; enacted October 26, 1960.
- Ordinance 94: Off road travel without consent of property owner prohibited; enacted January 10, 1983.
- Ordinance 135: Towing of vehicles; enacted August 3, 1983.
- Ordinance 132: Sunrise Ski Resort Trespass regulations; enacted June 1, 1983.

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 Health and Safety Code until such time as the Tribal Council has had the opportunity to thoroughly review and enact the proposed revised Health and Safety Code.

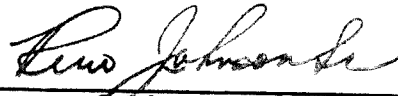
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the codification of the foregoing ordinances as the White Mountain Apache Health and Safety Code.

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.

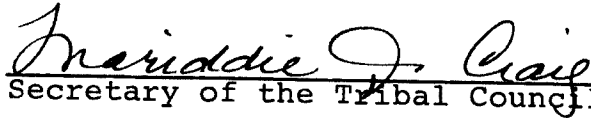
BE IT FURTHER RESOLVED by the Tribal Council that the codification of the foregoing ordinances does not constitute any amendment or repeal of the existing tribal

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).



Chairman of the Tribal Council



Secretary of the Tribal Council

RECEIVED

MAR 10 1989

Fort Apache Indian Agency
White River, Arizona

HEALTH AND SAFETY CODE

ORDINANCE NO. 25:

PUBLIC HEALTH CODE

CHAPTER ONE
GENERAL PROVISIONS

1. The White Mountain Apache Board of Health.
2. Meetings.
3. Duties.
4. Powers of the Board of Health.
5. Enforcement.
6. Penalty.
8. Treatment by Indian Doctors or Spiritual Means.

- SECTION 1.1 WHITE MOUNTAIN APACHE BOARD OF HEALTH
- SECTION 1.2 MEETINGS
- SECTION 1.3 DUTIES
- SECTION 1.4 POWERS OF THE BOARD OF HEALTH
- SECTION 1.5 ENFORCEMENT
- SECTION 1.6 PENALTY
- SECTION 1.7 TREATMENT BY INDIAN DOCTORS OR SPIRITUAL MEANS

CHAPTER TWO
SANITATION AND CONTAGIOUS DISEASES

7. Quarantine Laws, Sanitary Code.
9. Contagious Diseases in School.
 - (1) Duty of Health Officer.
 - (2) Duty of Principal or Teacher.
 - (3) Exclusion from School.
10. Placarding.
11. Sanitation of Camps.
12. Dead Animals, Garbage, Etc.
13. Venereal Disease.
14. Contagious Disease Bedding.
15. Selling Diseased Flesh.
16. Selling Impure Milk.
17. Adulteration of Milk.
23. Pest House.
26. Compulsory Vaccination and Inoculation
27. Marriage Examination.

- SECTION 2.1 QUARANTINE LAWS; SANITARY CODE
- SECTION 2.5 CONTAGIOUS DISEASES IN SCHOOL
 - A. Duty of Health Officer.
 - B. Duty of Principal or Teacher.
 - C. Exclusion from School.
- SECTION 2.6 PLACARDING
- SECTION 2.2 SANITATION OF CAMPS
- SECTION 2.3 DEAD ANIMALS, GARBAGE, ETC.
- SECTION 2.7 VENEREAL DISEASE
- SECTION 2.9 CONTAGIOUS DISEASE BEDDING
- SECTION 2.12 SELLING DISEASED FLESH
- SECTION 2.13 SELLING IMPURE MILK
- SECTION 2.14 ADULTERATION OF MILK
- SECTION 2.9 PEST HOUSE
- SECTION 2.10 COMPULSORY VACCINATION AND INOCULATION
- SECTION 2.11 MARRIAGE EXAMINATION

ORDINANCE NO. 25 (cont'd):

- 18. Poisoning Food or Water.
- 19. Deposit of Unwholesome Substance.
- 22. Pollution of Waters.
- 20. Public Nuisance Defined.
- 21. Maintaining a Nuisance.
- 24. Burial Permit.
- 25. Burial of the Dead.

ORDINANCE NO. 39:

WHEREAS, there are members...
 BE IT ENACTED...that any member...

ORDINANCE NO. 34:

- ARTICLE I Section 1.
- ARTICLE II Section 1.
- ARTICLE III
 - Section 1.
 - Section 2.

HEALTH AND SAFETY CODE (cont'd):

CHAPTER THREE
POLLUTION AND POISONS

- SECTION 3.1 POISONING FOOD OR WATER
- SECTION 3.2 DEPOSIT OF UNWHOLESOME SUBSTANCE
- SECTION 3.3 POLLUTION OF WATERS

CHAPTER FOUR
NUISANCE

- SECTION 4.1 PUBLIC NUISANCE DEFINED
- SECTION 4.2 MAINTAINING A NUISANCE

CHAPTER FIVE
BURIAL

- SECTION 5.1 BURIAL PERMIT
- SECTION 5.2 BURIAL OF THE DEAD

CHAPTER TWO (cont'd):

SECTION 2.4 INVOLUNTARY CONFINEMENT OF CONTAGIOUS PERSONS

- A. There are members...
- B. Any member...

CHAPTER SIX
EXPLOSIVES

- SECTION 6.1 POSSESSION OF EXPLOSIVES RESTRICTED
- SECTION 6.2 USE OF EXPLOSIVES RESTRICTED
- SECTION 6.3 PENALTIES; MEMBER; NON-MEMBER

- A.
- B.

ORDINANCE NO. 88:

WHEREAS, the United States Public Health...

BE IT ENACTED that the United States Public Health Service is hereby ...

BE IT FURTHER ENACTED that reports of...

BE IT FURTHER ENACTED that if any trader fails to correct any unsanitary ...

ORDINANCE NO. 78:

BE IT ENACTED that the White Mountain Apache Tribal Council hereby adopts ...

BE IT FURTHER ENACTED that the Chairman of the White Mountain Apache Tribal Council is hereby empowered...

ORDINANCE NO. 119:

REGULATION OF SALE OF TOXIC SUBSTANCES, GASOLINE AND TOBACCO TO MINORS:

ARTICLE I

SECTION I - Definitions

- A. PERSON
- B. BUSINESS
- C. AGENCY
- D. PSYCHO TOXIC CHEMICAL SOLVENTS OR TOXIC SUBSTANCE
- E. TOBACCO

ARTICLE II

SECTION I.

SECTION II.

CHAPTER SEVEN
FOOD ESTABLISHMENTS

SECTION 7.1 PURPOSE

SECTION 7.2 PUBLIC HEALTH SERVICE INSPECTIONS REQUESTED; REPORTS

A. The United States Public Health...

B. Reports of ...

SECTION 7.3 FAILURE TO CORRECT UNSANITARY CONDITIONS; SUSPENSION OF LICENSE

CHAPTER EIGHT
CIVIL DEFENSE

SECTION 8.1 ADOPTION OF ARIZONA CIVIL DEFENSE STATUTE

SECTION 8.2 AUTHORITY OF TRIBAL CHAIRMAN TO ENTER AGREEMENTS WITH ARIZONA PERTAINING TO CIVIL DEFENSE

CHAPTER NINE
REGULATION OF SALE OF TOXIC SUBSTANCES, GASOLINE, AND TOBACCO TO MINORS

SECTION 9.1 DEFINITIONS

- A. PERSON
- B. BUSINESS
- C. AGENCY
- D. PSYCHO TOXIC CHEMICAL SOLVENTS OR TOXIC SUBSTANCE
- E. TOBACCO

SECTION 9.2 SALES TO PERSONS UNDER EIGHTEEN PROHIBITED

SECTION 9.3 DIRECT INTRODUCTION INTO MOTOR VEHICLE FUEL TANK PERMITTED

ORDINANCE NO. 119 (cont'd):

SECTION III.

SECTION IV.

SECTION V.

SECTION VI.

SECTION VII.

ARTICLE III

SECTION I.

SECTION II.

SECTION III.

ORDINANCE NO. 36:

UNREGISTERED AND UNTAGGED DOGS

ARTICLE I

Section 1.

Section 2.

Section 3. [Amended by Ord. 52]

Section 4.

Section 5.

Section 6.

ORDINANCE NO. 52:

[Amends Section 3 of Ord. 36]

ORDINANCE NO. 35:

VACCINATION OF DOGS

ARTICLE I

Section 1. [Rescinded & Amended by Ord. 51]

CHAPTER NINE (cont'd):

SECTION 9.4 RESTRICTED STORAGE AND DISPLAY REQUIRED

SECTION 9.5 LOCKING GAS CAPS REQUIRED

SECTION 9.6 DESTRUCTION OR SAFEKEEPING OF CHEMICALS

SECTION 9.7 LOCKING OF GAS DISPENSING TANKS AND PUMPS REQUIRED

SECTION 9.8 TOBACCO SALES TO PERSONS UNDER EIGHTEEN PROHIBITED

SECTION 9.9 PENALTIES FOR VIOLATION

SECTION 9.10 LICENSE SUSPENSION OR REVOCATIO

SECTION 9.11 SEVERABILITY

CHAPTER TEN
DOMESTIC ANIMALS

SECTION 10.1 REGISTRATION TAG REQUIRED

SECTION 10.3 DOGS AT LARGE ON ROADS; UNREGISTERED DOGS

SECTION 10.4 REGISTRATION PERIOD; FEE

SECTION 10.5 TRANSIENT DOG OWNERS EXEMPT; CONTROL OVER DOGS

SECTION 10.6 DOGS AT LARGE PROHIBITED; PENALTY

SECTION 10.7 DOGS AT LARGE; DISPOSITION

SECTION 10.4 REGISTRATION PERIOD; FEE

ORDINANCE NO. 35 (cont'd):

Section 2.

Section 3.

Section 4.

ORDINANCE NO. 51:

[Amends Ord. 35; Section 1.]

Section 1.

ORDINANCE NO. 125:

SECTION I DECLARATION OF PUBLIC POLICY
AND PURPOSE

SECTION II DEFINITIONS

- (a) Alcohol
- (b) Alcoholic Beverage
- (c) Application
- (d) Beer
- (e) Board
- (f) Broken Package
- (g) Bulk Container
- (h) Club
- (i) Company and Association
- (j) Distillery, winery and brewer
- (k) Election days
- (l) Foreign corporation
- (m) Legal Age
- (n) Liquor Store
- (o) Liquor
- (p) Malt Liquor
- (q) Package
- (r) Package Dealer
- (s) Person
- (t) Public Places
- (u) Sale and Sell
- (v) Spirituous Liquor
- (w) Stamp
- (x) Vehicle
- (y) Veteran
- (z) Wholesaler
- (aa) Wine

SECTION III GENERAL PROHIBITION

SECTION IV LIQUOR AGENCY CREATED

CHAPTER TEN (cont'd):

SECTION 10.9 VACCINATION TAG REQUIRED

SECTION 10.2 PROOF OF VACCINATION REQUIRED
FOR REGISTRATION

SECTION 10.10 VIOLATIONS; PENALTY

SECTION 10.8 RABIES VACCINATION REQUIRED

CHAPTER ELEVEN
ALCOHOLIC BEVERAGE CONTROL

SECTION 11.1 DECLARATION OF PUBLIC POLICY
AND PURPOSE

SECTION 11.2 DEFINITIONS

- A. Alcohol
- B. Alcoholic Beverage
- C. Application
- D. Beer
- E. Board
- F. Broken Package
- G. Bulk Container
- H. Club
- I. Company and Association
- J. Distillery - winery and brewer
- K. Election days
- L. Foreign corporation
- M. Legal Age
- N. Liquor Store
- O. Liquor
- P. Malt Liquor
- Q. Package
- R. Package Dealer
- S. Person
- T. Public Places
- U. Sale and Sell
- V. Spirituous Liquor
- W. Stamp
- X. Vehicle
- Y. Veteran
- Z. Wholesaler
- AA. Wine

SECTION 11.3 GENERAL PROHIBITION

SECTION 11.4 LIQUOR AGENCY CREATED

ORDINANCE NO. 125 (cont'd):

SECTION V WHITE MOUNTAIN APACHE LIQUOR BOARD

SECTION VI LIQUOR BUSINESS MANAGER

SECTION VII SOVEREIGN IMMUNITY PRESERVED

SECTION VIII SALES

SECTION IX TAXATION

- (a) Tax Imposed.
- (b) Distribution of Taxes.

SECTION X ILLEGAL ACTIVITIES

- (a) Violations.

SECTION XI TRIBAL COURT JURISDICTION ENFORCEMENT

- (a)
- (b) Proof of Unlawful Sale - Intent
- (c) General Penalties
- (d) Illegal Items Declared Contraband.
- (e) Preservation and Forfeiture.

SECTION XII - ABATEMENT

- (a) Declaration of Nuisance.
- (b) Institution of Action
- (c)

SECTION XIII PROFITS

- (a) Distribution of Profits.

SECTION XIV SEVERABILITY AND REVISION

ORDINANCE NO. 148:

[Amending Ord. 125]

SECTION II DEFINITIONS

- (bb) Public Modern Dance

SECTION X ILLEGAL ACTIVITIES

- (a) Violations.
- 24. Public Modern Dances -

SECTION XI TRIBAL COURT JURISDICTION ENFORCEMENT

- (f) Criminal Penalties.

CHAPTER ELEVEN (cont'd):

SECTION 11.5 WHITE MOUNTAIN APACHE LIQUOR BOARD

SECTION 11.6 LIQUOR BUSINESS MANAGER

SECTION 11.7 SOVEREIGN IMMUNITY PRESERVED

SECTION 11.8 SALES

SECTION 11.9 TAXATION

- A. Tax Imposed.
- B. Distribution of Taxes.

SECTION 11.10 ILLEGAL ACTIVITIES

- A. Violations

SECTION 11.11 TRIBAL COURT JURISDICTION; ENFORCEMENT

- A.
- B. Proof of Unlawful Sale - Intent.
- C. General Penalties
- D. Illegal Items Declared Contraband.
- E. Preservation and Forfeiture.

SECTION 11.12 ABATEMENT

- A. Declaration of Nuisance.
- B. Institution of Action.
- C.

SECTION 11.13 PROFITS

- A. Distribution of Profits.

SECTION 11.14 SEVERABILITY AND REVISION

SECTION 11.2 DEFINITIONS

- BB. Public Modern Dance

SECTION 11.10 ILLEGAL ACTIVITIES

- A. Violations
- 24. Public Modern Dances

SECTION 11.11 TRIBAL COURT JURISDICTION ENFORCEMENT

- F. Criminal Penalties

ORDINANCE NO. 101:

BE IT ENACTED by the Council ...

BE IT FURTHER ENACTED that the interpretation...

ORDINANCE NO. 63:

BE IT ENACTED by the Council of the White Mountain Apache Tribe that the Law and Order Code ...

ORDINANCE NO. 43:

BE IT ENACTED . . . there is an established speed limit of ...

BE IT FURTHER ENACTED THAT:
All logging trucks . . .

BE IT FURTHER ENACTED THAT:
A violation of this. . .

BE IT FURTHER ENACTED THAT:
It is a misdemeanor . . .

BE IT FURTHER ENACTED THAT:
This ordinance is not applicable...

ORDINANCE NO. 94:

ARTICLE I
Section 1.
Section 2.

ORDINANCE NO. 135:

TOWING OF VEHICLES
Section 1. Purpose:
Section II: Definitions
Section III.
Section IV. Saving Clause

CHAPTER TWELVE
REGULATION OF MOTOR VEHICLES

Article 1 - General Provisions

SECTION 12.1 ARIZONA LAW ADOPTED

- A. The Council . . .
- B. The interpretation . . .

SECTION 12.2 PARTIES TO CRIME IN MOTOR VEHICLE CASES

SECTION 12.3 SPECIAL TRUCK PROVISIONS

- A. Speed Limit.
- B. Logging Trucks
- C. Violations.
- D. Misdemeanor.
- E. Exception.

SECTION 12.4 OFF-ROAD TRAVEL WITHOUT CONSENT OF PROPERTY OWNER

- A.
- B.
- C.

Article 2 - Abandoned Vehicles

SECTION 12.5 PURPOSE

SECTION 12.6 DEFINITIONS

SECTION 12.7 LIBERAL CONSTRUCTION

SECTION 12.8 SAVING CLAUSE

ORDINANCE NO. 135 (cont'd):

Section V. Scope:

Section VI: Stopping, Standing or Parking
Outside of Business or Residence District

Section VII: Officers Authorized to
Remove Illegally Stopped
Vehicles

Section VIII: Guidelines for Removal
of Abandoned Vehicles.

Section IX: Towing Fees

Section X:

Section XI: Severability Clause

ORDINANCE NO. 132:

Section 1: Short Title

Section 2: Purpose

Section 3.:

Section 4: Definitions

- (a) Emergency assistance:
- (b) Open ski area:
- (c) Prohibited area:
- (d) Sunrise and its annexes
- (e) Trespassing
- (f) Violator

Section 5: Saving Clause

Section 6: Scope

Section 7:

Section 8:

Section 9:

Section 10:

CHAPTER TWELVE (cont'd):

SECTION 12.9 SCOPE

SECTION 12.10 STOPPING STANDING OR PARKING
OUTSIDE OF BUSINESS OR
RESIDENCE DISTRICT

SECTION 12.11 OFFICERS AUTHORIZED TO
REMOVE ILLEGALLY STOPPED
VEHICLES

SECTION 12.12 GUIDELINES FOR REMOVAL
OF ABANDONED VEHICLES

SECTION 12.13 TOWING FEES

SECTION 12.14 ARTICLE NOT WAIVER OF SOVEREIGN
IMMUNITY OR CONSENT TO BE SUED

SECTION 12.15 SEVERABILITY CLAUSE

CHAPTER THIRTEEN
SPECIAL SUNRISE SKI RESORT REGULATION

SECTION 13.1 SHORT TITLE

SECTION 13.2 PURPOSE

SECTION 13.3 LIBERAL CONSTRUCTION

SECTION 13.4 DEFINITIONS

- A. Emergency Assistance:
- B. Open ski area:
- C. Prohibited area.
- D. Sunrise and its annexes
- E. Trespassing:
- F. Violator:

SECTION 13.5 SAVING CLAUSE

SECTION 13.6 SCOPE

SECTION 13.7 RESORT USE RESTRICTED TO
OPEN AREAS

SECTION 13.8 VIOLATIONS; CIVIL LIABILITY

SECTION 13.9 CONCURRENT ENFORCEMENT OF
GAME AND FISH CODE

SECTION 13.10 REPEATED VIOLATIONS

ORDINANCE NO. 132 (cont'd):

Section 11.

Section 12:

(a)

(b)

(c)

(d)

Section 13: Severability Clause

CHAPTER THIRTEEN (cont'd):

SECTION 13.11 RATIFICATION; STANDING TO
SUE

SECTION 13.12 CHAPTER NOT WAIVER OF SOVEREIGN
IMMUNITY OR CONSENT TO BE SUED

SECTION 13.13 FEDERAL PROSECUTION; TRESPASS

SECTION 13.14 FEDERAL PROSECUTION; THEFT
OF TRIBAL ASSETS

A.

B.

SECTION 13.15 SEVERABILITY