

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 Housing and Construction Code:

Ordinance 70: Adoption of Uniform Building Code; enacted March 2, 1966.

Ordinance 71: Adoption of Uniform Plumbing Code; enacted March 2, 1966.

Ordinance 73: Adoption of Uniform Housing Code; enacted March 2, 1966.

Ordinance 76: Adoption of National Electrical Code; enacted May 4, 1966.

Ordinance 77: Adoption of Fire Prevention Code; enacted May 4, 1966.

Ordinance 102: Housing Authority Ordinance; enacted February 2, 1977.

Ordinance 134: Amends Ord. 102; Article V, Section 2 - providing for exclusive tribal court jurisdiction; enacted July 1, 1983.

Ordinance 44: Residential Lease form for Tribal Members; enacted December 7, 1961.

Ordinance 75: Residential lease form for VA and FNMA Loans; enacted April 14, 1966.

Ordinance 91: Residential Lease form for FHA Loans; enacted May 3, 1972.

Ordinance 131: Wastewater Management; enacted April 6, 1983.

and

WHEREAS, the Tribal Council has reviewed the codification of the foregoing ordinances and concludes that said

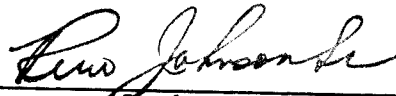
ordinances should be codified as the White Mountain Apache Housing and Construction Code until such time as the Tribal Council has had the opportunity to thoroughly review and enact the proposed revised Housing and Construction Code.

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 Housing and Construction 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

HOUSING AND CONSTRUCTION CODE

CHAPTER ONE  
UNIFORM BUILDING CODE

ORDINANCE NO. 70:

WHEREAS, the White Mountain Apache Tribe is endeavoring to provide . . .

WHEREAS, the Tribal Council considers it necessary to have a uniform . . .

WHEREAS, a uniform housing code is considered necessary and . . .

BE IT ENACTED by the Council of the White Mountain Apache Tribe that the Uniform Building Code . . .

BE IT FURTHER ENACTED that the Uniform Building Code shall be effective . . .

BE IT FURTHER ENACTED that all future contracts . . .

ORDINANCE NO. 71:

WHEREAS, the White Mountain Apache Tribe is endeavoring to provide . . .

WHEREAS, the Tribal Council considers it necessary to have a uniform . . .

WHEREAS, a uniform plumbing code is considered necessary and . . .

BE IT ENACTED by the Council of the White Mountain Apache Tribe that the Uniform Plumbing Code . . .

BE IT FURTHER ENACTED that the Uniform Plumbing Code . . . shall be effective . . .

BE IT FURTHER ENACTED that all future contracts . . .

ORDINANCE NO. 73:

WHEREAS, the White Mountain Apache Tribe is endeavoring to provide . . .

SECTION 1.1 POLICY

A.

B.

C.

SECTION 1.2 ADOPTION OF UNIFORM BUILDING CODE

SECTION 1.3 EFFECTIVE AREAS

SECTION 1.4 CONTRACTS

CHAPTER TWO  
UNIFORM PLUMBING CODE

SECTION 2.1 POLICY

A.

B.

C.

SECTION 2.2 ADOPTION OF UNIFORM PLUMBING CODE

SECTION 2.3 EFFECTIVE AREAS

SECTION 2.4 CONTRACTS

CHAPTER THREE  
UNIFORM HOUSING CODE

SECTION 3.1 POLICY

A.

ORDINANCE NO. 73 (cont'd):

WHEREAS, the Tribal Council considers it necessary to have a uniform . . .

WHEREAS, a uniform housing code is considered necessary and . . .

BE IT ENACTED by the Council of the White Mountain Apache Tribe that the Uniform Housing Code. . .

BE IT FURTHER ENACTED that the Uniform Housing Code... shall be effective...

BE IT FURTHER ENACTED that all future contracts . . .

ORDINANCE NO. 76:

WHEREAS, the White Mountain Apache Tribe is endeavoring to provide . . .

WHEREAS, the Tribal Council considers it necessary to have a uniform . . .

WHEREAS, a uniform electrical code is considered necessary and . . .

BE IT ENACTED by the Council of the White Mountain Apache Tribe that the National Electrical Code . . .

BE IT FURTHER ENACTED that the National Electrical Code...shall be effective...

BE IT FURTHER ENACTED any person, firm, or corporation under the jurisdiction...

BE IT FURTHER ENACTED THAT all future contracts . . .

ORDINANCE NO. 77:

WHEREAS, the White Mountain Apache Tribe is endeavoring to provide . . .

WHEREAS, the Tribal Council considers it necessary to have a uniform . . .

WHEREAS, a uniform electrical code is considered necessary . . .

CHAPTER THREE (cont'd):

B.

C.

SECTION 3.2 ADOPTION OF UNIFORM HOUSING CODE

SECTION 3.3 EFFECTIVE AREAS

SECTION 3.4 CONTRACTS

CHAPTER FOUR  
UNIFORM ELECTRICAL CODE

SECTION 4.1 POLICY

A.

B.

C.

SECTION 4.2 ADOPTION OF NATIONAL ELECTRICAL CODE

SECTION 4.3 EFFECTIVE AREAS

SECTION 4.5 VIOLATION; PENALTY

SECTION 4.4 CONTRACTS

CHAPTER FIVE  
FIRE PREVENTION CODE

SECTION 5.1 POLICY

A.

B.

C.

ORDINANCE NO. 77 (cont'd):

BE IT ENACTED by the Council of the White Mountain Apache Tribe that the Fire Prevention Code . . .

BE IT FURTHER ENACTED that the Fire Prevention Code...shall be effective...

BE IT FURTHER ENACTED that any person, firm or corporation under the jurisdiction ...

BE IT FURTHER ENACTED that all future contracts . . .

ORDINANCE NO. 102:

This Council of the White Mountain...

The Council hereby determines that ...

The Council hereby determines that it...

TRIBAL ORDINANCE

Pursuant to the authority vested ...

In any suit, action or proceedings involving the validity or enforcement of or relating to any of its contracts,...

ARTICLE I - DECLARATION OF NEED

It is hereby declared:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

ARTICLE II - PURPOSES

- 1.
- 2.
- 3.

ARTICLE III - DEFINITIONS

- Area of Operation
- Board

CHAPTER FIVE (cont'd):

SECTION 5.2 ADOPTION OF FIRE PREVENTION CODE

SECTION 5.3 EFFECTIVE AREAS

SECTION 5.5 VIOLATION; PENALTY

SECTION 5.4 CONTRACTS

CHAPTER SIX  
HOUSING AUTHORITY

SECTION 6.1 HISTORY; EFFECTIVE DATES

- A.
- B.
- C.

SECTION 6.2 CONSTITUTIONAL AUTHORITY

SECTION 6.3 AUTHORIZATION OF HOUSING TO TRANSACT BUSINESS AND EXERCISE POWERS; PROOF

SECTION 6.4 DECLARATION OF NEED

- A.
- B.
- C.
- D.
- E.
- F.

SECTION 6.5 PURPOSES

- A.
- B.
- C.

SECTION 6.6 DEFINITIONS

- A. Area of Operation
- B. Board

ORDINANCE NO. 102 (cont'd):

- Council
- Federal Government
- Homebuyer
- Housing project or project
- Obligations
- Obligee
- Persons of low income

ARTICLE IV - BOARD OF COMMISSIONERS

- 1. (a) (1)
- (2)
- (3)
- (4)
- (b)
- (c)
- (d)
- (e)
- (f)
- (g)
- (h)
- (i)

ARTICLE V - POWERS

- 1.
- 2. [Amended by Ord. 134]
- 3.
  - (a)
  - (b)
  - (c)
  - (d)
  - (e)
  - (f)
  - (g)
  - (h)
  - (i)
  - (j)
  - (k)
  - (l)
  - (m)
  - (n)

CHAPTER SIX (cont'd):

- C. Council
- D. Federal Government
- E. Homebuyer
- F. Housing project or project
- G. Obligations
- H. Obligee
- I. Persons of low income

SECTION 6.7 BOARD OF COMMISSIONERS

- A. The Board
  - (1)
  - (2)
  - (3)
- B. Term of Office
- C. Board Chairman
- D. Removal of Board Member
- E. Compensation
- F. Quorum
- G. Secretary
- H. Treasurer
- I. Meetings

SECTION 6.8 POWERS; WAIVER OF IMMUNITY; CONSENT TO SUE AND BE SUED; TRIBAL COURT JURISDICTION

- A.
- C.
  - (1)
  - (2)
  - (3)
  - (4)
  - (5)
  - (6)
  - (7)
  - (8)
  - (9)
  - (10)
  - (11)
  - (12)
  - (13)
  - (14)

ORDINANCE NO. 102 (cont'd):

- (o)
- (p)
- (q)
- (r)
- (s)
- (t)

4.

5.

ARTICLE VI - OBLIGATIONS

- 1.
- 2.
- 3.
- 4.
- 5.

- (a)
- (b)
- (c)
- (d)

- 6.
- 7.

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)
- (g)
- (h)
- (i)
- (j)
- (k)
- (l)
- (m)
- (n)
- (o)
- (p)
- (q)
- (r)
- (s)

ARTICLE VII - MISCELLANEOUS

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

CHAPTER SIX (cont'd):

- (15)
- (16)
- (17)
- (18)
- (19)
- (20)

D.

E.

SECTION 6.9 OBLIGATIONS

- A.
- B.
- C.
- D.
- E.
- (1)
- (2)
- (3)
- (4)

- F.
- G.

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)
- (8)
- (9)
- (10)
- (11)
- (12)
- (13)
- (14)
- (15)
- (16)
- (17)
- (18)
- (19)

SECTION 6.10 MISCELLANEOUS

- A.
- B.
- C.
- D.
- E.
- F.
- G.



ORDINANCE NO. 102 (cont'd):

ARTICLE VII - COOPERATION IN CONNECTION WITH PROJECTS

- 1.
  - (a)
  - (b)
  - (c)
  - (e)
  - (f)

2.

ARTICLE IX - APPROVAL BY SECRETARY OF THE INTERIOR

ORDINANCE NO. 134:

[amends Ord. 102: Art. V; Sec. 2]

2.

ORDINANCE NO. 44:

BE IT ENACTED by the White Mountain Apache Tribal Council in assembled: that the attached lease form . . .

BE IT FURTHER ENACTED that this lease form may be hereafter . . .

BE IT FURTHER ENACTED that the ground to be leased . . .

BE IT FURTHER ENACTED that if the proposed housing authority... that the Tribe can...

ORDINANCE NO. 75:

BE IT ENACTED that the attached . . .

BE IT FURTHER ENACTED that the form . . .

CHAPTER SIX (cont'd):

SECTION 6.11 COOPERATION IN CONNECTION WITH PROJECTS

- A.
  - (1)
  - (2)
  - (3)
  - (4)
  - (5)

B.

SECTION 6.12 APPROVAL BY SECRETARY OF THE INTERIOR

SECTION 6.8 POWERS; WAIVER OF IMMUNITY; CONSENT TO SUE AND BE SUED; TRIBAL COURT JURISDICTION

B.

CHAPTER SEVEN  
RESIDENTIAL LEASES

SECTION 7.1 RESIDENTIAL LEASE FORM FOR TRIBAL MEMBERS

A.

B.

SECTION 7.4 LIMITATION ON LEASED GROUND

A.

B.

SECTION 7.2 RESIDENTIAL LEASE FORM FOR VETERAN'S ADMINISTRATION AND FNMA LOANS

A.

B.

ORDINANCE NO. 91:

BE IT ENACTED by the Council...that  
the attached lease form...

BE IT FURTHER ENACTED that the form...

ORDINANCE NO. 131:

AN ORDINANCE OF THE WHITE MOUNTAIN  
APACHE TRIBE REGULATING THE USE. . .

SECTION 1. Prohibited Waste Discharges  
and Discharge of Rainwater

SECTION 2. Construction and Inspection of  
New Sewers and Connections

CHAPTER SEVEN (cont'd):

SECTION 7.3 RESIDENTIAL LEASE FORM FOR  
FARMERS HOME ADMINISTRATION  
LOANS

A.

B.

CHAPTER EIGHT  
WASTEWATER MANAGEMENT

SECTION 8.1 PURPOSE

SECTION 8.2 PROHIBITED WASTE DISCHARGES  
AND DISCHARGE OF RAINWATER

SECTION 8.3 CONSTRUCTION AND INSPECTION OF  
NEW SEWERS AND CONNECTIONS