

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 Livestock Code:

Ordinance 06: Slaughtering without a permit prohibited; enacted October 8, 1937.

Ordinance 99: Livestock trespass regulations; enacted March 4, 1976.

Ordinance 42: Branding regulations; enacted June 1, 1960.

Ordinance 79: Amending Ord. 42, Section II - Branding responsibilities; enacted August 17, 1966.

Ordinance 31: Grazing regulations, fees and units; enacted February 11, 1959.

Ordinance 24: Regulation of bulls; enacted March 22, 1954, sale of toxic substances, gasoline and tobacco to minors; enacted March 4, 1981.

Ordinance 08: Holding pasture violations and penalty; enacted October 5, 1942.

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

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MAR 10 1989

Fort Apache Indian Agency
Wickenburg, Arizona

ORDINANCE NO. 06:

No member of the Fort Apache Tribe. owning stock...will be permitted to slaughter...without a permit...

For violation of this regulation...

ORDINANCE NO. 99:

LIVESTOCK IN TRESPASS

ARTICLE I.

Section 1. Definitions

- a) General Livestock Coordinator
- b) Livestock
- c) Highway
- d) Tribal Court
- e) Compound
- f) Reservation
- g) Livestock Association

SECTION II. Regulations

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

SECTION III. Impoundment

- a)
- b)
- c)
- d)
- e)

SECTION IV. Fees; Sale

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

LIVESTOCK CODE

CHAPTER ONE
SLAUGHTERING WITHOUT A PERMIT

SECTION 1.1 PERMIT REQUIRED; FEE;
INSPECTION OF HIDE; SALES
TO STORES PROHIBITED

SECTION 1.2 VIOLATIONS; PENALTIES

CHAPTER TWO
LIVESTOCK IN TRESPASS

SECTION 2.1 DEFINITIONS

- A. General Livestock Coordinator
- B. Livestock
- C. Highway
- D. Tribal Court
- E. Compound
- F. Reservation
- G. Livestock Association

SECTION 2.2 REGULATIONS

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

SECTION 2.3 IMPOUNDMENT

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

SECTION 2.4 FEES; SALE

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

ORDINANCE NO. 99 (cont'd):

SECTION V. Interpretation

- a)
- b)

ARTICLE II

SECTION I. Right to Hearing

- a)
- b)

SECTION II. Procedures at Hearing

- a)
- b)
- c)

ORDINANCE NO. 42:

SECTION I

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

SECTION II

[Section II is amended by Ord. 79]

SECTION III

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

SECTION IV BRANDS AND ADVERTISING

- (a)
- (b)

SECTION V TRIBAL BRAND COMMITTEE

- (a)
- (b)

SECTION VII DUTIES OF THE TRIBAL BRAND COMMITTEE

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

CHAPTER TWO (cont'd):

SECTION 2.5 INTERPRETATION

- A.
- B.

SECTION 2.6 RIGHT TO HEARING; WRITTEN REQUEST

- A.
- B.

SECTION 2.7 PROCEDURES AT HEARING

- A.
- B.
- C.

CHAPTER THREE
BRANDING REGULATIONS

SECTION 3.1 GENERAL PROVISIONS

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

SECTION 3.5 FEES

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

SECTION 3.10 BRANDS AND ADVERTISING

- A.
- B.

SECTION 3.6 TRIBAL BRAND COMMITTEE

- A.
- B.

SECTION 3.8 DUTIES OF THE TRIBAL BRAND COMMITTEE

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

ORDINANCE NO. 42 (cont'd):

SECTION VIII

SECTION IX

SECTION X

ORDINANCE NO. 79:

[Amending Ord. 99-Section II]

SECTION II

The branding of livestock and record maintenance ... respective district...

...All livestock owners must brand... of the White Mountain Apache Tribe...

...All horses will be branded by the...

ORDINANCE NO. 31:

ARTICLE I

SECTION 1

(a)

(b)

(c)

(d)

(e)

(f) Grazing permits shall

...The Board of Directors shall...

...Livestock management plans shall include:

...Range management plans may be...

...Upon completion of these plans...

CHAPTER THREE (cont'd):

SECTION 3.9 CLERK; LIVESTOCK MANAGER

SECTION 3.11 ENFORCEMENT; PUNISHMENT

SECTION 3.12 AMENDMENTS

SECTION 3.2 BRANDING RESPONSIBILITY

SECTION 3.3 TRIBAL BRAND REQUIRED

SECTION 3.4 HORSE BRANDING REQUIRED

CHAPTER FOUR

PRESERVATION OF RANGELANDS

Article One -- General Provisions

SECTION 4.2 FEEES

SECTION 4.1 GRAZING UNITS

SECTION 4.3 LIVESTOCK ASSOCIATIONS

A.

B.

SECTION 4.4 GRAZING PERMITS

A.

B.

SECTION 4.5 MANAGEMENT PLANS; BOARD OF DIRECTORS

A.

B. Livestock management plans shall...

C. Range management plans may be...

D. Upon completion of these plans...

ORDINANCE NO. 31 (cont'd):

SECTION I (cont'd):

(g)

(h)

(i)

(j)

(k)

(l)

(m)

1. Remuda Pasture:
2. Community Horse Pasture:

SECTION 2.

ARTICLE II

SECTION 1.

SECTION 2.

SECTION 3.

SECTION 4.

That all wild, excess or useless...
... In case the livestock association...
... In either case if disposition...
...In case a horse and burro...
...Individuals desiring to take...

SECTION 5.

SECTION 6.

CHAPTER FOUR (cont'd):

SECTION 4.5 (cont'd):

SECTION 4.6 GRAZING CAPACITY LIMITATIONS
IN ASSOCIATION PERMITS

SECTION 4.7 ASSOCIATION DETERMINATION OF
NUMBER OF ANIMALS INDIVIDUALS
MAY GRAZE

SECTION 4.8 TRIBAL COUNCIL CONSERVATION
MEASURES

SECTION 4.9 ASSOCIATIONS TO FURNISH
ROSTER TO TRIBAL COUNCIL

SECTION 4.10 GRAZING BY TRIBAL COUNCIL
AUTHORITY ONLY

SECTION 4.11 BRANDING

SECTION 4.12 REMUDA PASTURES; COMMUNITY
HORSE PASTURES

- A.
- B. Remuda Pasture:
- C. Community Horse Pasture:

SECTION 4.13 SCOPE

Article Two--Horses, Burros, Mules

SECTION 4.14 BURROS

SECTION 4.15 MARES AND FILLIES

SECTION 4.16 SADDLE GELDINGS; WORK ANIMALS

SECTION 4.17 ELIMINATION OF WILD AND
EXCESS ANIMALS; AUTHORITY;
PROCEDURE

- A.
- B.
- C. Notice.
- D. Proceeds.
- E. Wild horses.

SECTION 4.18 STALLIONS ON OPEN RANGE;
CASTRATION; DESTRUCTION

SECTION 4.19 STALLIONS AND MARES PROHIBITED
IN ROUNDUP REMUDAS OR HERDS

ORDINANCE NO. 31 (cont'd):

ARTICLE III

SECTION 1.

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)

SECTION 2.

SECTION 3.

SECTION 4.

SECTION 5.

ORDINANCE NO. 24:

WHEREAS, the White Mountain Apache Tribe owns and operates...

WHEREAS, the livestock owners of the ...

BE IT ENACTED by the Council...

ORDINANCE NO. 08:

BE IT ENACTED that...hereby forbids...

BE IT FURTHER ENACTED that as a penalty...

CHAPTER FOUR (cont'd):

Article Three -- Cattle

SECTION 4.21 DISPOSITION OF CATTLE

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

SECTION 4.22 FEES FOR SLAUGHTER PERMIT

SECTION 4.23 ID BRAND; BROKEN ARROW BRAND REGISTRATION OF INDIVIDUAL BRANDS

SECTION 4.24 MAVERICKS

SECTION 4.26 NON-MEMBER GRAZING

Article Four -- Enforcement

SECTION 4.27 ENFORCEMENT

SECTION 4.28 DISPOSITION OF FINES

SECTION 4.20 BULLS; STATEMENT OR PURPOSE OR REGULATION

- A.
- B.
- C.

SECTION 4.25 HOLDING PASTURE VIOLATIONS

- A.
- B.