

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

**WHEREAS**, the Tribal Council by Resolution No. 08-94-248 directed the Tribal Council Secretary to post the proposed amendments to the Health and Safety Code, Chapter 12, regulating the operation of motor vehicles on the Reservation, in each district for a minimum of 10 days as required by the Constitution; and

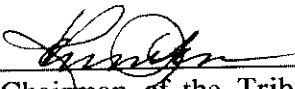
**WHEREAS**, the Council Secretary advised the Tribal Council that said proposed ordinance has been posted in accordance with that directive; and


**WHEREAS**, the Tribal Council having received no opposition to the proposed amendments to the Health and Safety Code and concludes that Ordinance No. 191 providing for regulation of the operation of motor vehicles on the Reservation should be enacted.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby enacts Ordinance No. 191 amending the Chapter 12 of the Health and Safety Code of the White Mountain Apache Tribe.

**BE IT FURTHER RESOLVED** by the Tribal Council that the acts and deeds of the members of the Tribal Council necessary to carry out the intent and purpose of this Resolution be, and the same are hereby ratified, confirmed and adopted as the acts and deeds of the White Mountain Apache Tribe.

The foregoing resolution was on September 08, 1994, 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 IV, Section 1 (a), (i), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
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Chairman of the Tribal Council

  
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Secretary of the Tribal Council

**CHAPTER TWELVE  
REGULATION OF MOTOR VEHICLES**

**Article 1  
General Provisions**

[HISTORICAL NOTE: SECTION 12.1 IS DERIVED FROM ORDINANCE 101, ENACTED NOVEMBER 3, 1976, WHICH EXPRESSLY REPEALED ORDINANCE 23.]

**SECTION 12.1 ARIZONA LAW ADOPTED**

A. The Tribal Council of the White Mountain Apache Tribe hereby adopts as tribal law, the traffic laws of the State of Arizona as set forth in the Arizona Revised Statutes at this date, and any amendments thereto, with the following exception:

(1) All references in the Arizona laws to "local authorities", "State of Arizona", "Superior Court", or any related state agencies shall mean the corresponding authorities of the tribal government of the White Mountain Apache Tribe.

(2) Any tribal laws, duly authorized by the Tribal Council of the White Mountain Apache Tribe, at this date or hereinafter passed which are inconsistent with the traffic laws of the State of Arizona shall be deemed amendments to the tribal traffic code, as herein adopted.

(3) Nothing in this Chapter shall prohibit the Tribal Council from duly enacting traffic laws in addition to or inconsistent with those passed by the State of Arizona and herein adopted as tribal law.

B. The interpretation of the traffic laws of the State of Arizona, as herein adopted, shall be made, as best as possible, consistent with tribal governmental structure and organization.

C. Adoption of State of Arizona traffic laws does not grant jurisdiction to the State of Arizona over roads within the Reservation. Civil jurisdiction over all nonstate roads within the Reservation resides exclusively with the White Mountain Apache Tribe.

**SECTION 12.2 PARTIES TO CRIME IN MOTOR VEHICLE CASES**

The Law and Order Code of the White Mountain Apache Tribe and any ordinances appertaining to parties to a crime in Motor Vehicle Cases are hereby amended by eliminating therefrom any provision including, but without limitation, Section 28-1051, Arizona Revised Statutes Annotated.

SECTION 12.3      SPECIAL TRUCK PROVISIONS

A. **Speed Limit.** There is an established speed limit of twenty-five miles an hour on all trucks of one and one half ton capacity or more on roads where school buses transport children and thirty-five miles an hour on all other roads of the Fort Apache Indian Reservation.

B. **Logging Trucks.** All logging trucks using reservation roads shall have the logs tied and secured with two wrappers of chain or cable or combination thereof and secured with a binder or boomer and one gut wrapper if there are courses of logs above the top of the stakes. Logging trucks operating on the Reservation under contract to Fort Apache Timber Company need not be registered by any state to operate on nonstate roads within the Reservation.


C. **Violations.** A violation of this section by any person will be grounds for expulsion by the Tribal Council of said driver from the Fort Apache Indian Reservation and a termination of the contract whereby and under which the driver was operating the truck.

D. **Misdemeanor.** It is a misdemeanor for any member of the White Mountain Apache Tribe to violate any of the speed provisions of this section, and every person convicted of said misdemeanor is punishable by a fine of not more than \$300.00, by imprisonment for not more than six months, or both.

E. **Exception.** This section is not applicable to roads which the State of Arizona has been granted an easement or right-of-way on which Arizona State laws govern.

The foregoing Ordinance No. 191 was on September 08, 1994 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 IV, Section 1 (a), (i), (t), and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council