



# WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance  
Over the Fort Apache Indian Reservation*

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## **Resolution No. 05-2012-68**

### **(Enactment of Ordinance No. 241, Amending the Housing & Construction Code of the White Mountain Apache Tribe)**

**WHEREAS**, the Tribal Council of the White Mountain Apache Tribe ("Tribe") is entrusted by the Tribe's Constitution to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

**WHEREAS**, on November 14, 2011 the Tribal Council authorized the posting of Ordinance 241, which contained proposed amendments to the White Mountain Apache Tribe Housing & Construction Code, as set forth in Ordinance No. 241 attached hereto and incorporated by reference; and

**WHEREAS**, Ordinance No. 241 proposes changes to Sections 1.2, 1.3, 2.2, 2.3, 3.2, 3.3, 4.2, 4.3, 4.5, 5.2, 5.3, 5.5, moving Chapter Six to Chapter Eleven, moving Chapter Seven to Chapter Twelve, moving Chapter Eight to Chapter Thirteen, and creating a new Chapter Seven, Eight, Nine and Ten; and

**WHEREAS**, on November 22, 2011 Ordinance 241 was posted and since that time the Office of the Tribal Council Secretary has not received any comments regarding the proposed changes; and

**WHEREAS**, the Council has reviewed proposed Ordinance No. 241 carefully and considered all recommendations and implications thereof in great detail and finds the adoption of updated housing and construction codes to be in the best interest of the Tribe.


**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that proposed Ordinance 241, attached hereto and incorporated by reference, which amends Sections 1.2, 1.3, 2.2, 2.3, 3.2, 3.3, 4.2, 4.3, 4.5, 5.2, 5.3, 5.5, moving Chapter Six to Chapter Eleven, moving Chapter Seven to Chapter Twelve, moving Chapter Eight to Chapter Thirteen, and creating a new Chapter Seven, Eight, Nine and Ten of the Housing & Construction Code, is hereby adopted.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

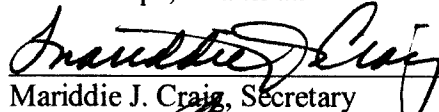
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect. This Resolution shall not be subject to Judicial Interpretation, only the Tribal Attorney, with the assistance of the Tribal Council Secretary, may opine on Tribal Council intent and the meaning of the language as used herein.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign provided that the Tribal Secretary and a Tribal Attorney attest to the veracity of the subject matter of this Resolution.

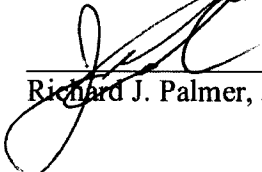
The foregoing resolution was on MAY 30, 2012 duly adopted by a vote of SEVEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (q), (s), (t) and (u) of the Tribal Constitution, ratified by the Tribe September 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).

  
\_\_\_\_\_  
Ronnie Lupe, Chairman

6-6-12  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Mariddie J. Craig, Secretary

06-05-2012  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Richard J. Palmer, Jr., Attorney

6/6/12  
\_\_\_\_\_  
Date

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

BE IT ENACTED BY THE COUNCIL OF THE WHITE MOUNTAIN APACHE TRIBE Ordinance No. 241, amending White Mountain Apache Housing & Construction Code to amend or add Sections 1.2, 1.3, 1.5, 2.2, 2.3, 2.5, 3.2, 3.3, 3.5, 4.2, 4.3, 4.5, 5.2, 5.3, 5.5, Chapter Six, Chapter Seven, Chapter Eight, Chapter Nine, Chapter Ten, Chapter Eleven, Chapter Twelve and Chapter Thirteen, as follows:

**SECTION 1.2        ADOPTION OF UNIFORM BUILDING CODE**

The ~~Uniform Building Code, 1964 Edition, of the International Conference of Building Officials~~ 2006 International Building Code of the International Code Council and any amendments thereto, a copy of which is on file in the office of the Superintendent, Fort Apache Agency, and the Chairman of the White Mountain Apache Tribe, is approved.

**SECTION 1.3        EFFECTIVE AREAS**

The ~~Uniform Building Code, 1964 Edition,~~ 2006 International Building Code shall be effective in certain areas to be designated by the Tribal Council.

**SECTION 1.5        VIOLATION; PENALTY**

Any person, firm, or corporation, violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

**SECTION 2.2        ADOPTION OF UNIFORM PLUMBING CODE**

The ~~Uniform Plumbing Code, 1964 Edition, of the Western Plumbing Officials Association~~ 2006 International Plumbing Code of the International Code Council, a copy of which is on file in the office of the Superintendent, Fort Apache Agency, and the Chairman of the White Mountain Apache Tribe, is approved.

**SECTION 2.3        EFFECTIVE AREAS**

The ~~Uniform Plumbing Code, 1964 Edition,~~ 2006 International Plumbing Code shall be effective in certain areas to be designated by the Tribal Council.

**SECTION 2.5 VIOLATION: PENALTY**

Any person, firm, or corporation, violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

**SECTION 3.2 ADOPTION OF UNIFORM HOUSING CODE**

~~The Uniform Housing Code, 1964 Edition, by the International Conference of Building Officials, 2006 International Residential Code of the International Council, a copy of which is on file in the office of the Superintendent, Fort Apache Agency, and the Chairman of the White Mountain Apache Tribe is approved.~~

**SECTION 3.3 EFFECTIVE AREAS**

~~The Uniform Housing Code, 1964 Edition, 2006 International Residential Code shall be effective in certain areas to be designated by the Tribal Council.~~

**SECTION 3.5 VIOLATION: PENALTY**

Any person, firm, or corporation, violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

**SECTION 4.2 ADOPTION OF UNIFORM ELECTRICAL CODE**

The National Electrical Code of 1965 2008 of the National Fire Protection Association, a copy of which is on file in the office of the Superintendent, Fort Apache Agency, and the Chairman of the White Mountain Apache Tribe, is approved.

**SECTION 4.3 EFFECTIVE AREAS**

The National Electrical Code of 1965 2008 and amendments thereto shall be effective in certain areas on the reservation. Such areas to be designated by the Tribal Council.

**SECTION 4.5**      **VIOLATION; PENALTY**

Any person, firm, or corporation, ~~under the jurisdiction of the Tribal Court,~~ violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

**SECTION 5.2**      **ADOPTION OF FIRE PREVENTION CODE**

~~The Fire Prevention Code, 1965 Edition, of the American Insurance Association,~~ 2006 International Fire Code of the International Code Council, a copy of which is on file in the office of the Superintendent, Fort Apache Agency, and the Chairman of the White Mountain Apache Tribe, is approved.

**SECTION 5.3**      **EFFECTIVE AREAS**

~~The Fire Prevention Code, 1965 Edition,~~ 2006 International Fire Code shall be effective in certain areas on the reservation. Such areas to be designated by the Tribal Council.

**SECTION 5.5**      **VIOLATION; PENALTY**

Any person, firm, or corporation, ~~under the jurisdiction of the Tribal Court,~~ violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

**CHAPTER SIX**  
**HOUSING AUTHORITY**

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**CHAPTER SEVEN**  
**MECHANICAL CODE**

[Note: The Mechanical Code is derived from Ordinance No. 241, enacted \_\_\_\_\_.]

**SECTION 7.1**      **POLICY**

A. The White Mountain Apache Tribe is endeavoring to provide adequate housing for its members through participation in various housing and loan programs.

B. The Tribal Council considers it necessary to have a Uniform Mechanical Code in order to accomplish the above objectives.

C. A Uniform Mechanical Code is considered necessary and in compliance with the reservation program and comprehensive neighborhood planning.

**SECTION 7.2 ADOPTION OF MECHANICAL CODE**

The 2006 International Mechanical Code of the International Code Council, a copy of which is on file in the office of the Superintendent, Fort Apache Agency, and the Chairman of the White Mountain Apache Tribe, is approved.

**SECTION 7.3 EFFECTIVE AREAS**

The 2006 International Mechanical Code shall be effective in certain areas on the reservation. Such areas to be designated by the Tribal Council.

**SECTION 7.4 CONTRACTS**

All future contracts, leases and agreements with persons not under the jurisdiction of the tribal court shall have incorporated therein an agreement to abide by this code.

**SECTION 7.5 VIOLATION; PENALTY**

Any person, firm, or corporation, violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

**CHAPTER EIGHT  
UNIFORM FUEL GAS CODE**

[Note: The Uniform Fuel Gas Code is derived from Ordinance No. 241, enacted \_\_\_\_\_.]

**SECTION 8.1 POLICY**

A. The White Mountain Apache Tribe is endeavoring to provide adequate housing for its members through participation in various housing and loan programs.

B. The Tribal Council considers it necessary to have a Uniform Fuel Gas Code in order to accomplish the above objectives.

C. A Uniform Fuel Gas Code is considered necessary and in compliance with the reservation program and comprehensive neighborhood planning.

**SECTION 8.2      ADOPTION OF FUEL GAS CODE**

The 2006 International Fuel Gas Code of the International Code Council, a copy of which is on file in the office of the Superintendent, Fort Apache Agency, and the Chairman of the White Mountain Apache Tribe, is approved.

**SECTION 8.3      EFFECTIVE AREAS**

The 2006 International Fuel Gas Code shall be effective in certain areas on the reservation. Such areas to be designated by the Tribal Council.

**SECTION 8.4      CONTRACTS**

All future contracts, leases and agreements with persons not under the jurisdiction of the tribal court shall have incorporated therein an agreement to abide by this code.

**SECTION 8.5      VIOLATION; PENALTY**

Any person, firm, or corporation, violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300.00 or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

**CHAPTER NINE**

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**CHAPTER TEN**

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**CHAPTER SIX ELEVEN  
HOUSING AUTHORITY**

[Note: Chapter ~~Six~~ Eleven is derived from Ordinance no. 102, enacted February 2, 1977, and Ordinance No. 134, amending Article V, Section 2 of Ordinance 102, enacted June 1, 1983.]

<u>HISTORY; EFFECTIVE DATES</u>	SECTION 6 11.1
<u>CONSTITUTIONAL AUTHORITY</u>	SECTION 6 11.2
<u>AUTHORIZATION OF HOUSING AUTHORITY TO TRANSACT BUSINESS AND EXERCISE POWERS; PROOF</u>	SECTION 6 11.3
<u>DECLARATION OF NEED</u>	SECTION 6 11.4
<u>PURPOSES:</u>	SECTION 6 11.5
<u>DEFINITIONS</u>	SECTION 6 11.6
<u>BOARD OF COMMISSIONERS</u>	SECTION 6 11.7
<u>POWERS; WAIVER OF IMMUNITY; CONSENT TO SUE AND BE SUED; TRIBAL COURT JURISDICTION</u>	SECTION 6 11.8
<u>OBLIGATIONS</u>	SECTION 6 11.9
<u>MISCELLANEOUS</u>	SECTION 6 11.10
<u>COOPERATION IN CONNECTION WITH PROJECTS</u>	SECTION 6 11.11
<u>APPROVAL BY SECRETARY OF INTERIOR</u>	SECTION 6 11.12
<b>CHAPTER SEVEN TWELVE RESIDENTIAL LEASES</b>	
[Note: Chapter Seven Twelve is derived from Ordinance No. 44, enacted December 7, 1961; Ordinance No. 75, enacted April 14, 1966; Ordinance No. 91, enacted May 3, 1972; Ordinance No. 189 enacted June 1, 1994; and Ordinance No. 199 enacted November 21, 1995.]	
<u>RESIDENTIAL LEASE FORM FOR TRIBAL MEMBERS</u>	SECTION 7 12.1
<u>RESIDENTIAL LEASE FORM FOR VETERAN'S ADMINISTRATION</u>	SECTION 7 12.2
<u>RESIDENTIAL LEASE FORM FOR FARMER'S HOME</u>	SECTION 7 12.3
<u>LIMITATION ON LEASED GROUND</u>	SECTION 7 12.4
<u>LEASEHOLD MORTGAGES</u>	SECTION 7 12.5



**CHAPTER EIGHT THIRTEEN  
WASTEWATER MANAGEMENT**

[Note: Chapter ~~Eight~~ Thirteen is derived from Ordinance No. 131, enacted April 6, 1983.]

**SECTION 8 13.1     PURPOSE**

**SECTION 8 13.2     PROHIBITED WASTE DISCHARGES AND DISCHARGE  
OF RAINWATER**

**SECTION 8 13.3     CONSTRUCTION AND INSPECTION OF NEW SEWERS AND  
CONNECTIONS**